

The Limits of Normative Power Europe in Bosnia and Herzegovina:

Assessing the EU's Impact on the Constitutional Reform

(2009-2018)

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Abstract

The Constitution of Bosnia and Herzegovina, enshrined in the Dayton Peace Agreement, establishes a complex power sharing system as well as the discrimination of some of the Bosnian citizens, who do not declare themselves affiliated to one of the three “constituent peoples”. In this context, the European Union (EU) set out to promote a constitutional reform to end discrimination as well as to create a political and institutional system that would facilitate Bosnia’s EU accession process.

Following Manners’ concept of Normative Power Europe (NPE) (2002), the thesis examines the impact of EU’s normative identity in its efforts as a mediator in the process of the constitutional reform. Furthermore, it analyses the impact of NPE on the discourses of the local political class, in order to assess whether the EU contributes to the desecuritisation of Bosnia.

The thesis argues that the inherent characteristics of the EU’s identity as normative power, its discourses, as well as its practices, aggravate the securitisation of Bosnia. Also, it considers that the way how local actors perceive the EU's normative identity further exacerbates ethnic antagonisms. Therefore, this thesis concludes by arguing that the notion of NPE has its limits concerning the desecuritisation of Bosnia.

Keywords: Normative Power Europe, Europeanisation, Bosnia and Herzegovina, Constitutional Reform, Securitisation.

Resumo

A Constituição da Bósnia e Herzegovina, consagrada no Acordo de Paz de Dayton, estabelece um sistema político complexo de partilha de poderes, bem como a discriminação de alguns cidadãos que não se declaram afiliados num dos três “povos constitutivos”. Neste contexto, a União Europeia (UE) empenhou-se na promoção da reforma constitucional necessária para erradicar a discriminação e criar um sistema político-institucional, que facilitaria o processo de adesão à UE.

Partindo do conceito de Poder Normativo, introduzido por Manners (2002), a dissertação analisa o impacto da identidade normativa da UE nos seus esforços enquanto mediador do processo da reforma constitucional. Analisa, ainda, o impacto do poder normativo da UE no discurso da classe política local, de modo a avaliar se este contribui para o processo de dessecuritização da Bósnia.

A dissertação argumenta que as características inerentes à identidade normativa da UE, bem como os seus discursos e práticas, agravam a securitização da Bósnia. Também defende que a percepção dos atores locais a respeito da identidade normativa da UE exacerba ainda mais os antagonismos étnicos. Consequentemente, a dissertação conclui argumentando que o conceito de Poder Normativo tem limites no que se refere à desecuritização da Bósnia.

Palavras-chave: Poder Normativo da UE, europeização, Bósnia e Herzegovina, reforma constitucional, securitização.



Samo nek ne puca / As long as there's no war
Sarajevo, November 2017¹

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¹ Personal archive

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List of Abbreviations

BiH – Bosnia and Herzegovina, also Bosnia
CEEC – Central and Eastern European countries
CoE – Council of Europe
DPA – Dayton Peace Agreement
EC – European Commission
ECHR – European Court of Human Rights
EP – European Parliament
EU – European Union
EUFOR – European Union Force Althea (EUFOR)
FBiH – Federation of Bosnia and Herzegovina
HDZ – Croatian Democratic Union (Hrvatska demokratska zajednica)
IC – International community
IPA – Instrument for Pre-Accession Assistance
NATO – North Atlantic Treaty Organisation
NGOs – Non-Governmental Organisations
NPE – Normative Power Europe
OHR – Office of the High Representative
RS – Republika Srpska (Serb Republic)
SAA – Stabilisation and Association Agreements
SAP – Stabilisation and Association Process
SBiH – Party for Bosnia and Herzegovina (Stranka za Bosnu i Hercegovinu)
SDA – Party of Democratic Action (Stranka demokratske akcije)
SDP – Social Democratic Party (Socialdemokratska partija)
SDS – Serbian Democratic Party (Srpska demokratska stranka)
SFOR – Stabilization Force in Bosnia
SFRY – Socialist Federal Republic of Yugoslavia, also Yugoslavia
SNSD – Alliance of Independent Social Democrats (Savez nezavisnih socijaldemokrata)
TEU – Treaty on European Union
UN – United Nations
UNSC – United Nations Security Council
USA – United States of America
WB(s) – Western Balkan(s)

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1. Introduction

After the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY) in 1991, Bosnia was plunged into the most brutal war on European soil since the end of World War II (Ó Tuathail, 2005). Mass killings and ethnic cleansing lasted for almost four years and ended with North Atlantic Treaty Organisation (NATO) intervention and the signing of the Dayton Peace Agreement (DPA) in 1995, brokered by the United States of America (USA). Pacification and stabilisation of Bosnia developed under the watchful eye of the European Union (EU), which in 1999 also undertook the task to gradually merge it into its organization. The DPA, which is still in force today, influences significantly all aspects of Bosnia's institutional and political life and hampers its path towards the EU.

This study aims to analyse the international role of the EU in Bosnia and Herzegovina (BiH), its identity as Normative Power Europe (NPE) and its impact on the political Copenhagen accession criteria in BiH. More precisely, it focuses on the role of the EU in Bosnia's efforts to implement the decision of the European Court of Human Rights (ECHR) in the Case of Sejdic and Finci v. Bosnia and Herzegovina (2009), which requires the country to change its constitution, enshrined in the DPA (1995). This was, originally, made a condition for Bosnia to progress with its EU candidacy, but was later dropped. Today, almost ten years after the ECHR adopted its decision, no changes to the constitution have been made because the reform strikes at the core of the constitutional power-sharing system, established by the DPA with the view to prevent domination of one ethnicity over another, which, in principle, desecuritisises ethnic relations (Bonacker et al. 2011) between the three nations that were involved in an armed conflict (Rogel, 2004).

The main objective of this study is to assess the impact of the EU's identity as Normative Power Europe (NPE) in Bosnia (Manners, 2002; Diez, 2005; Manners & Diez, 2007) by analysing official discourses of the EU as well as the local politicians, related to constitutional reform, in order to assess whether the construction of NPE contributes to the desecuritisation of ethnic relations. Thus, the thesis aims to answer the following research question:

Does the construction of NPE contribute to the desecuritisation of Bosnia and Herzegovina?

Specific objectives of the study are to:

- 1) Analyse the construction of the EU's identity as NPE in Bosnia in relation to its Bosnian Other in line with the poststructuralist approach;
- 2) Assess whether the EU's normative identity is undermined by its military mission in BiH;
- 3) Analyse the official EU's discourses and practices in order to assess whether the EU's identity in BiH can really be described as normative;
- 4) Analyse the EU's discourse regarding the constitutional reform since 2009, when the ECHR adopted its decision, until mid-2018;
- 5) Analyse EU's mediation efforts regarding constitutional reform to see whether local actors perceive the EU as NPE, which would contribute to the desecuritisation of ethnic relations.

This study argues that although the presence of EU's military mission in BiH is not detrimental for the projection of NPE identity in BiH, this identity is contested due to its inherent characteristics as well as its discourses and practices, which reveal forms of othering, incompatible with its normative identity. It also argues that by accepting the discourse of the local political elites, the EU's new approach, that turned a blind eye on the need for BiH to adopt a constitutional reform (Council of the EU, 2014), further contributes to the securitisation of Bosnia. Also, it considers that the way how local actors perceive the construction of NPE exacerbates rather than mitigates ethnic antagonisms. Therefore, this thesis concludes by arguing that the notion of NPE has its limits due to securitisation of Bosnia through its constitutional reform.

The relevance of this thesis stems from the slow rapprochement of Bosnia to the EU and the recent deterioration of relations between the ethnic groups, which can be witnessed in secessionist claims of Republika Srpska (Surk, 2018) and the pressures of the Bosnian Croats for their own entity (Hina, 22 January 2018), which have brought the discourse of war back on the political agenda (Deutsche Welle, 2017).

Furthermore, the recent hiatus of the enlargement process and a retreat of the EU from Bosnia as well as from the Western Balkans in general (EU Business, 2014) pave the way to the presence of other powers in the region, threatening the EU's leading role, which could lead to instability. In other words, "the lack of a clear prospect of accession opens up a number of

security risks in the region, particularly since the US, Russia, Turkey, China and countries of the Gulf are increasingly competing for economic influence and sometimes even for political power in the countries on the outskirts of the EU” (Kmezić, 2015, p. 16). This motivated the EU to present its new strategy in 2018, granting the Western Balkans a “credible enlargement perspective” and enhancing its engagement in the region (European Commission, 2018b, p. 1). However, the new strategy stresses the need for reconciliation and resolution of conflicts, which is why the need to desecuritize relations and construct less threatening Others is of great importance in Bosnia’s rapprochement to the EU.

1.1. Theoretical Framework

1.1.1. Normative Power Europe

This thesis is based on Ian Manners’s *Normative Power Europe* (NPE) concept, which was chosen due to the necessity of Bosnia to adopt a constitutional reform on grounds of the decision of the ECHR (2009), which established that the country’s current constitution is discriminatory and violates human rights of individuals who do not declare themselves affiliated to one of the three constituent nations. Upon this decision, the European Commission (EC) undertook its normative stance and called on Bosnia to change its constitution in order to comply with the decision of the Court as well as the political Copenhagen criteria (EC, 2010, p. 9).

According to Manners (2002), the concept of NPE surpasses the debate whether the EU’s international presence is as a civilian power, as advocated by Duchêne in the 1970s, or a military power as asserted by Smith (2005). Contrary to Bull (1982), who claimed the EU lacks actorness because it does not project military power, Manners stresses that EU’s restraint in using hard power is precisely what contributes to his argument that the EU is a normative actor (Manners, 2002). Youngs (2004), however, defended that the preoccupation of current research with the EU’s ideational identity has drawn the attention away from the fact that the EU is a strategic power and a security community, following its strategic goals. He called for detailed analysis of how “instrumentalist security-oriented dynamics persist within the parameters set by norms defining the EU’s identity” (Youngs, 2004, p. 415).

The key premise of Manners’ NPE is that the EU is based on values that must be respected by its member-states as well as adopted by candidate-states to be eligible for membership. EU

norms “were first mentioned in the 1973 Copenhagen declaration on European identity” (Manners, 2002, p. 241) and later enshrined in the Treaty on European Union (EU, 2012), which defines the EU as “founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities” (EU, 2012, art. 2). Values are also a fundamental part of the political Copenhagen accession criteria, which require candidate-states to ensure “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (European Council, 1993, p. 13) to progress to membership.

Parting from Manner’s initial concept, this thesis follows Thomas Diez’s poststructuralist perspective, which understands NPE as a “discursive construction rather than an objective fact” (Diez & Pace, 2011, p. 210). This construction enables the EU to create its own “Self”, a normative identity that is “perhaps the only form of identity that most of the diverse set of actors within the EU can agree on” (Diez, 2005, p. 614). All EU actors, including the Council, the Commission, the Parliament as well as EU member-states agree with this self-representation even if they disagree on everything else.

The concept of identity and its relationship with foreign policy is key in poststructuralist discourse analysis. According to this approach, identity is constructed through foreign policy discourses and contributes to the creation as well as legitimisation of foreign policies. As opposed to constructivists, who see identity as an objective, given fact that influences foreign policy, poststructuralist see it as a construction, which legitimises foreign policy and is “constitutently and performatively linked” with it (Hansen, 2006, p. 9). As such, identities are brought to life through language, i.e. discourses, present in statements of actors, with the goal to legitimise their policies to the public (ibid).

Building on Manners’ definition of NPE, which has the “ability to shape conceptions of the ‘normal’ in international relations” (Manners, 2002, p. 239), Manners and Diez identify it “by the impact it has on what is considered appropriate behaviour by other actors” (Manners & Diez, 2007, p. 175). Following this framework, the discursive approach of Diez and Pace sees the power of NPE in “the identity it provides for the EU and the changes it imposes on others, partly through its hegemonic status” (Diez and Pace, 2011, p. 210). According to the authors, the identity of NPE, when seen as such by other actors, has the ability to desecuritise conflicts in the process of *Europeanisation*. Hence, this thesis examines the NPE’s ability to desecuritise conflicts in Bosnia.

1.1.2. Europeanisation

Europeanisation can be defined broadly as the “influence of the EU” either on member-states, candidate-states or the international environment (Sedelmeier, 2011, p. 5), but this study will focus on Europeanisation in the framework of EU enlargement. It includes research of EU influence in candidate-states, an approach which started to be developed in the framework of the enlargement to the Central and Eastern European countries (CEEC) and is now being complemented with research on Europeanisation of the WBs (ibid). This research includes Bosnia and Herzegovina, a potential candidate that has submitted its application to join the EU in February 2018 (EC, 2018b). Nevertheless, Bosnia has a long way to go, as it is still waiting to receive its candidacy status and needs to step up reforms to be able to proceed to membership.

The enlargement policy is based on explicit conditionality, which offers the promise of accession to the EU as the ultimate reward for adopting EU rules. As such, it is much more generous than the EU’s neighbourhood policy, which offers similar set of incentives but without the prospect of membership. Yet it is precisely this outlook, the desire to adhere to the EU what stimulates candidate states to implement the often difficult, but necessary reforms (Soares, 2009).

Schimmelfennig recognises the need for candidate states to implement the entire *acquis communautaire*, which includes all existing EU rules without reservations, as well as the political, economic, and administrative Copenhagen Criteria and argues that it represents the centre of the enlargement process (2015, p. 5). On the other hand, Diez and Pace (2011) understand Europeanisation as the impact of the EU on conflict transformation. In this view, the EU serves as an example of successful conflict transformation as it was created in search of a long-term peace after the destruction of the two world wars. The idea was that strong ties between the European countries would make it impossible for them to return to conflict. This objective has been reached as Europe has so far been living a period of peace and prosperity ever since the creation of the European project that developed into what today is the European Union (Soares, 2009).

The same goal is being pursued with its enlargement as EU founding member-states have, since 1989, adopted an approach of “re-unification of Europe” and agreed to include other countries in its organisation so as to transmit their good practices and advance its experience

of peace, prosperity, democracy and solidarity (Soares, 2009, p. 99). In this sense, Europeanisation converges with Professor Moreira's definition of *Europeanism*, a concept based on a conviction that European countries have such interdependent interests and common dominant cultural models that a political action could be successful by integration, which would, in turn, end frequent civil wars of the past (Moreira, 1996).

Building on this premise, EU enlargement is understood in this thesis as the extension of this initial idea by taking Diez, Stetter and Albert's argument that the EU has beneficial influence on conflict transformation (2006). The impact of the EU on conflict resolution, which is pursued under the banner of NPE, a "force for good", is most effective in member-states, but it also affects candidate-states and potential candidates, as well as states that concluded association agreements with the EU (Diez & Pace, 2011, p. 211).

This influence, however, can bring two sets of results: it can create positive consequences in the process of conflict transformation and contribute to desecuritisation or it can produce alienation of identities of actors due to the othering that the EU itself practices (Diez & Pace, 2011). A successful Europeanisation would change "the way actors see themselves and relate to each other" (Diez & Pace, 2011, p. 212). As such, it can be assessed by "the degree to which actors make their claims in the form of securitising moves, i.e. the extent to which they invoke the other party or parties as an existential threat to legitimise their actions" (ibid). The last chapter of the thesis discusses how the construction of the EU's identity as normative power influences the desecuritisation of Bosnia.

In research, the elusive concept of Europeanisation is moreover defined through mechanisms of EU impact that part from different theoretical perspectives (Schimmelfennig, 2015).

The most basic division stems from the initial definition of what drives human behaviour. Depending on this, the EU can influence change either according to "the logic of anticipated consequences" or the "logic of appropriateness" (March & Olsen, 1998, p. 949). Although the two logics entail an entirely different vision, they are usually intertwined and complement each other (ibid).

Rational choice institutionalists argue that the logic of consequences provides local actors the opportunity to maximise their gains by adopting EU rules (Börzel and Risse, 2009; Sedelmeier, 2011). This logic stresses the importance of conditionality in the Europeanisation process, thus, it is understood that states adopt EU rules because they are conditioned with

incentives. Here, membership in the EU is seen as the biggest carrot in the EU toolbox to influence others (Sedelmeier, 2011).

According to rationalist institutionalism, clarity of EU demands, consistency and credibility of EU conditionality are crucial for the effectiveness of Europeanisation in candidate-states. Credibility can be at stake if conditionality is not applied based on real merit, when candidate states have reason to believe that the EU will fail to provide the promised rewards or when it announces very strict assessment of progress (Sedelmeier, 2011, p. 12). Domestic facilitating factors include alliances with domestic actors that support Europeanisation efforts.

Compliance is lower in countries that have either “multiple veto points” (Börzel and Risse, 2009, p. 2) or an institutional structure that enables resistance with adjustment pressures (Sedelmeier, 2011). Both constraints are present in BiH and it has been demonstrated in existing literature that conditionality is not effective in Bosnia as it lacks clarity of conditions, consistency and credibility (Noutcheva, 2009; Vettori, 2013; Vachudova, 2014).

On the other hand, the logic of appropriateness, espoused by sociological (constructivist) institutionalists, emphasises the importance of identification and resonance with EU sponsored rules. According to this strategy, states adopt rules because they consider them appropriate (Börzel and Risse, 2009, p. 2). This model is based on the premise that local actors accept the promoted identities, norms and values, because they identify with them (Schimmelfennig and Sedelmeier, 2004). Norms are adopted and new identities are developed if the country counts with “change agents” who can “persuade others to redefine their interests and identities” (Börzel and Risse, 2009, p. 2) or if the EU norms resonate with the domestic environment (Sedelmeier, 2011, p. 11).

In line with this approach, facilitating factors for effective rule transfer consist of the perception of legitimacy of EU rules and processes through which they are promoted. If local actors consider EU rules as legitimate, they will be more prone to adopt them (Sedelmeier, 2011, p. 15). EU rules will also be more likely to be considered legitimate if local actors as well as the public identify with the EU, have a high opinion of it (ibid), or if they accept the construction of NPE identity as such (Deiz & Pace, 2011). This study intends to demonstrate that the local politicians, instead of acting as “change agents” (Börzel and Risse, 2009, p. 2), present EU norms as incompatible with the domestic environment, and challenge the role of

the EU as a normative actor, as well as its norms, i.e. the need for the implementation of the ECHR decision.

1.1.3. Securitisation and Desecuritisation

The theory of securitisation is crucial for the development of this thesis as it intends to demonstrate that the impact of the construction of NPE identity on desecuritisation of ethnic relations in Bosnia. Following the framework of analysis of the Copenhagen School (Buzan et al. 1998), the concept is adopted by poststructuralists (Diez, 2005; Diez et al, 2006; Hansen, 2006; Diez & Manners, 2007; Diez & Pace, 2011) as a process in which the identity of the Other is constructed not just as different than the Self, but also as its “existential threat”, creating circumstances that legitimise the adoption of extraordinary measures or violation of rules (Buzan et al. 1998).

The scholars of the Copenhagen School, Buzan, Wæver and De Wilde, widen the scope of security studies to include different categories of threats, such as environmental, economic, political and societal threats, rather than focusing merely on the military aspects of security (Buzan et al. 1998). According to their approach, any issue can be securitised when “presented as posing an existential threat to a designated “referent object” (traditionally, but not necessarily, the state, incorporating government, territory, and society)” (ibid, p. 21).

The view of the authors on societal security, which defines the referent object as a distinct social group, a Self, is crucial for the development of this thesis, because it analyses whether EU values contribute to desecuritisation of ethnic relations. “Societal insecurity exists when communities of whatever kind define a development or potentiality as a threat to their survival as a community” and as such must be protected from this threat (ibid, p. 119). Identity is the main building block of the societal security sector. In line with Anderson’s “Imagined communities” (2006), identities are “self-constructed” and although “objective factors such as language or location might be involved in the idea of national identity”, it “remains a political and personal choice to identify with some community by emphasizing some trait in contrast to other available historical or contemporary ties” (Buzan et al, 1998, p. 120). As will be described below, ethnic identity - upon which certain political rights are granted in Bosnia - is self-declared.

The invocation of the existential threat creates special conditions, which legitimise the use of force or other measures that would otherwise not be accepted by the audience under normal

circumstances (Buzan et al, 1998). In this way, securitization of an issue is understood as an “extreme version of politicization” (ibid, p. 21). It requires not only for the issue to be politicised, i.e. being on the political agenda or open for a wide public discussion, but it must also be presented “as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure” (ibid, p. 24).

According to the Copenhagen School, securitisation is researched by studying discourses of securitizing actors, which might be political leaders, government representatives or representatives of other powerful actors. This thesis considers the political representatives of ethnic communities in Bosnia as securitising actors.

Furthermore, securitisation is defined as a “speech act” (ibid, p. 40), by which it is not relevant whether the existential threat really exists, what matters is that the issue has been described as such by the “securitising actor” (ibid, p. 24). Therefore, it is studied not by dividing the object of study into indicators and assessing the existence of a “real existential threat” or possible outcomes arising from the threat. Instead, the researcher must reveal securitizing discourses by means of discourse analysis of securitising actors and the analysis of the political context (ibid, p. 33).

In the scope of societal sector, where rival identities, Others, are presented as existential threats to the Self, the key words that are used in “speech acts” are usually those of call for measures to secure “our survival” because otherwise “we will no longer be us” (Buzan et al. 1998, p. 23). This study will search for discourses that include enunciations of threatened existence, namely through dominance of one ethnicity over another, the threatened existence of a political unit or a quest for such.

Lene Hansen, who develops a poststructuralist approach to security studies, asserts that no real threat can be objectively assessed. In order for “problems or facts to become questions of security, they need therefore to be successfully constructed as such within political discourse” (Hansen, 2006, p. 30). What is relevant here is whether the enunciation of an actor manages to present the issue as so urgent and life threatening that the audience accepts the implementation of extraordinary measures and the breaking of rules (Buzan et al. 1998, p. 25). The role of the audience is important, as it is key to understand the difference between a “securitizing move” and securitisation. It is only possible to speak of successfully securitising

an issue or the Other when the public accepts its presentation as an existential threat, while a mere invocation of a threat is defined as a “securitizing move” (ibid, p. 25).

The Copenhagen School is criticised due to its negligence of the wider context in which the speech act is enunciated. McDonald stresses the need to “pay attention to the social, political and historical contexts in which particular discourses of security (even those defined narrowly in terms of the designation and articulation of threat) become possible” (McDonald, 2008, p. 573). The Paris School, presenting a Foucauldian poststructuralist approach to securitisation, defines it not merely as a “speech act” of political leaders, but as everyday administrative practices of security (Bigo, 2002, p. 65). This broader perspective will be instrumental to analyse the Bosnian political system in the context of securitisation, as well as its practices, such as the profiling of the population into ethnic groups and the mechanism of vital interest veto, that facilitates the presentation of the Other as an existential threat.

Securitisation and desecuritisation are tightly connected with the definition of conflict. Diez et al. (2006) link securitization with their framework of conflict transformation, as they see it as a tool to assess the stage of a conflict developing from less to more belligerent phases and vice-versa. They see conflicts as discursively constructed and define them as “articulation[s] of the incompatibility of subject positions” (ibid, p. 565).

According to the authors, conflicts arise when an actor constructs his or her identity or interests in such a way that these cannot be made compatible with an identity or interests of another actor” (ibid). In other words, it arises when a securitising actor increasingly presents the other as an existential threat to the referent object (Diez et al., 2006, p. 568). In this regard, Diez and Pace (2011) defend that a conflict does not necessarily end with a signed peace agreement, as peace can only be achieved by means of broader changes of societies and perceived identities. Due to the fact that conflict can persist or arise in any society, it is thus necessary that a conflict resolution transforms “the way actors see themselves and relate to each other” and, ideally, change “their identity so that conflict is fundamentally altered” (ibid, p. 212).

For the purpose of this study, it is understood that although the Dayton Peace Agreement was signed more than 20 years ago, the conflict in BiH persists as the former warring parties continue to securitise one another. Successful conflict resolution must involve desecuritisation, a process in which an issue or an Other must be rearticulated “in such a

manner that it is no longer one of security” (Hansen, 2006, p. 31). The impact of NPE on Bosnia’s conflict resolution can thus be assessed by “the degree to which actors make their claims in the form of securitising moves, i.e. the extent to which they invoke the other party or parties as an existential threat to legitimise their actions, and ultimately violence” (Diez & Pace, 2011, p. 212). Therefore, the thesis analyses the discourses of the EU as well as the local political actors in order to assess whether the EU’s identity as NPE contributes to the desecuritisation of ethnic relations.

1.1.4. Literature Review

The impact of NPE in relation to the EU military operation in BiH was already broached by Manners himself (2006). Noutcheva questioned the effectiveness of NPE in the wider Western Balkan region, criticising the lack of credibility of EU conditionality (2009). Vogel also pointed to the failed conditionality and disagreed with the new EU approach in BiH that gives priority to security and economic issues and leaves the political reform to be resolved at the end of the enlargement process (Vogel, 2015a). Juncos studied the impact of NPE in Bosnia, advocating against the technical approach of the EU instead of a political one (2012), its coercive practices (2011a) and its practices of othering (2011b).

The different mechanisms of Europeanisation in the Western Balkans have been the objects of research of many studies, with most parting from the logic of consequences and rationalist institutionalism, focusing on conditionality, its credibility as well as high adoption costs and number of veto players (Noutcheva, 2009; Vachudova, 2014). The literature agrees that conditionality-based approach is only effective when conditions are clear, the promise of membership is credible and adoption costs are not too high (Sedelmeier, 2011). The majority of the research points to the lack of these factors in the Western Balkans, which consequentially lowers the effectiveness of Europeanisation in the region (Subotic, 2011; Vachudova, 2014) as well as in BiH (Noutcheva, 2009). Many researchers criticise the lack of local ownership for reforms (Gradari, 2005; Juncos, 2011a; Vogel, 2015a), while Vettori stresses that conditionality fails when faced with “nationality-sensitive matters” (2013, p. 5).

Troncota (2013), who pursued a constructivist approach to Europeanisation in BiH, also pointed to the hindering effect of the ethnic identity. Subotic researched the successfulness of Europeanisation based on the permeability of identities in Croatia and Serbia (2011) and pointed to the importance of the resonance of EU rules and change agents in Serbia (2010),

while Freyburg and Richter concluded that in the Western Balkans “National Identity Matters” (2010, p. 263).

Further research, relevant for this study, deals with the state- and nation-building project in BiH as well as the consequences of the Dayton Peace Agreement and the consociational system it upholds (Belloni, 2007; Keil, 2013; Perry, 2015), which hinders Europeanisation of BiH (Gradari, 2005, Marko, 2005; van Willigen, 2010). The attempts of the EU to bring about constitutional reform in the framework of the Sejdić-Finci judgement implementation were also extensively broached (Bieber, 2010; van Willigen, 2010; Vettori 2013; Cirković, 2014; Troncota, 2013; Tolksdorf, 2015). Some authors criticise the EU’s change of approach of dropping the condition of constitutional reform (Vettori 2013; Cirković, 2014), while others agree with it, pointing to the necessity for the EU to focus on more important issues (Bieber, 2010; van Willigen, 2010), while some others analyse the EU’s mediation.

A poststructuralist discourse analysis has already been applied to the narratives related to the Bosnian war by Campbell (1998) as well as Hansen (2006), who proposed several models of analysis. Parting from van Willigen’s conclusions that the international community must focus on desecuritisation of ethnic relations in Bosnia (2010), this study attempts to bridge the gap in literature by assessing the impact of NPE on desecuritisation of ethnic relations in Bosnia. This will be achieved by analysing discourses and practices of the EU as well as the representatives of the three ethnicities as it is asserted that NPE can contribute to desecuritisation and ultimately to the successful transformation of conflicts (Deiz, 2005; Diez & Manners, 2007, Diez & Pace, 2011).

1.2. Methodological Framework

The research will be developed as a qualitative case study, based on discourse analysis. As stated before, it aims to analyse the construction of NPE in BiH, as well as its impact on desecuritisation of BiH in light of the ECHR decision and EU's demands for constitutional reform. According to Creswell, "case studies are a strategy of inquiry in which the researcher explores in depth a program, event, activity, process or one or more individuals" in a given period of time (2009, p.13). Here, the impact of NPE in Bosnia will be reviewed from 2009 until mid-2018 when this thesis was concluded. 2009 marks the adoption by the ECHR of its decision on the Sejdić-Finci case, the implementation of which was then demanded as an indispensable condition for Bosnia's rapprochement to the EU.

1.2.1. Research Model

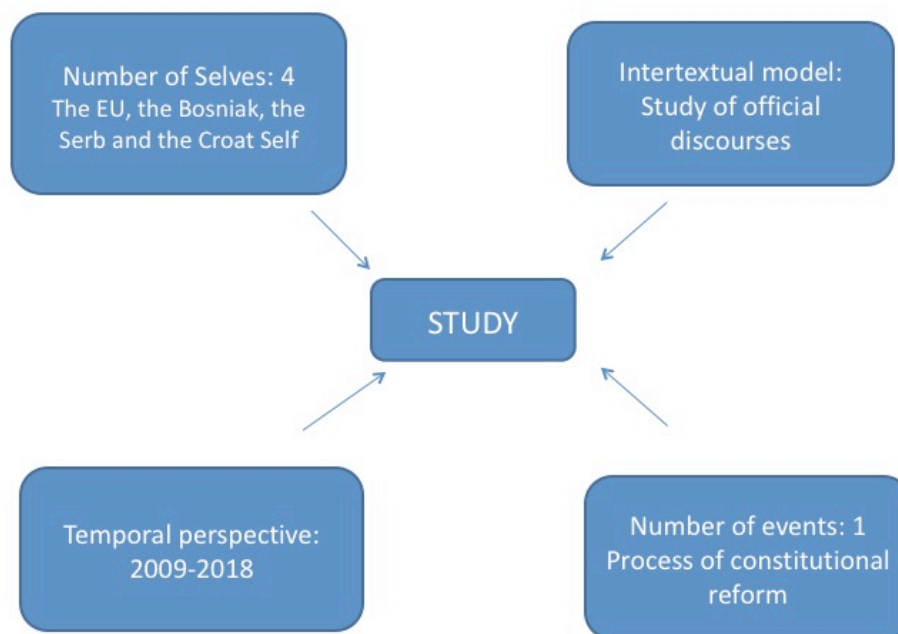
Drawing on Diez's discursive approach to NPE (Diez, 2005), this study applies the poststructuralist discourse analysis as proposed by Lene Hansen (2006). According to this approach, identities are constructed through foreign policy discourses and not the other way around as asserted by rationalists and constructivists. Poststructuralists deny the existence of an "extra-discursive realm from which material, objective facts assert themselves" (Hansen, 2006, p. 30) and focus on political discourses, through which identities and foreign policies are constructed. Poststructuralists operationalise identity as constructed through discourse and interlinked with (foreign) policies, while constructivists understand it as a pre-existing and objective fact, which influences foreign policies (ibid, p. 24). Thus, discourse analysis can reveal how (foreign) policies relate to identities and are legitimised by them (ibid).

In her framework of analysis, Lene Hansen proposes three different research models (ibid, p. 35) that link identity constructions with policies that are to be found "within political discourses" (ibid, p. 25). Due to the limited scope of this study and a larger number of Selves, the simplest model, presented in Figure 1, will be chosen, which focuses strictly on official discourse. The goal of this research model is to "investigate the construction of identity within official discourse" (ibid, p. 53). By analysing these discourses and their constructions of identities, the study aims to assess how divisive and opposed to one another they are, in other words, what degree of othering they apply (Manners & Diez, 2007). Hansen describes this method as a "discursive encounter", which "contrasts the discourse of the Self with the Other's 'counter-construction' of Self and Other" (Hansen, 2006, p. 68). In this case, the

discourses of four Selves are analysed: those of the representatives of the EU Self on one hand as well as of the leaders of the three constituent nations in BiH – the Bosniak, the Bosnian Serb and the Bosnian Croat Selves – on the other. This approach is valuable as it can reveal either the Self's appropriation of the Other's discourse or its political manoeuvring of policy issues (ibid).

As stated above, the temporal timeline of the study will be from 2009 until today. The main event around which the study is structured is the process of the revision of the constitution, demanded by the EU as a condition for Bosnia to advance with its candidacy status. As will be discussed in Chapter 2, the power sharing system, established in the Dayton Agreement, makes the adoption of any reform extremely difficult, while the adoption of the constitutional reform is entirely in the hands of local politicians and must be reached in consensus of the three constituent nations, unwilling to cede their powers to the central level institutions.

Figure 1: Research Model



Adapted from Hansen, 2006, p. 72.

1.2.2. Discourse Analysis and Body of Texts

Discourses that reveal constructions of identity and their interconnection with foreign policies can be “identified through the reading of texts, whether spoken or written” (Hansen, 2006, p. 46). As the official policy discourse “is articulated through a multitude of sources, ranging from official speeches, press statements, parliamentary debates, and interviews” (ibid, p. 65), the study analyses the official discourses of the EU and local representatives in official documents as well as statements and interviews for the press made by EU and local actors.

EU official discourse is analysed in texts such as the European Commission’s progress reports, the EU Parliament resolutions and the Council’s conclusions as well as statements and interviews of EU Officials in foreign and local media. The discourses of the Bosnian Selves include official documents, such as constitutions and official letters, as well as statements and interviews of domestic actors to the local press.

To ensure representation of the three Selves, their official discourses will be sought in most relevant media in the country that address different ethnicities. The main media that the Bosniak count on and is included in the analysis is the Sarajevo based “Oslobodjenje” newspaper, the tabloid “Dnevni avaz”, the “Sarajevo Times”, as well as “TV 1 broadcaster”. The Bosnian Serb confide in the Banja Luka based “Nezavisne novine”, Serbian broadcaster “B92” and “the Srpska Times”, while the Croat’s view is covered by “Dnevni List”, Bosnian edition of the Croatian “Večernji list”, and the “Total Croatia News” in English. Some foreign media, present in the country, such as “Al Jazeera Balkans”, “Balkan Insight” and “The Deutsche Welle”, that provide further analysis on the events, are also included.

1.2.3. Structure of the Study

The thesis is organised in five chapters. Chapter 1 presents the theoretical and methodological framework, delimiting the objectives of this investigation, which questions NPE identity in the specific study of Bosnian constitutional reform.

Chapter 2 introduces the geopolitical context, relevant for the analysis of NPE and its impact, developed in Chapter 3 and 4. It describes the power-sharing system, established with the DPA, stressing that the system was designed to desecuritize ethnic relations and prevent the three former warring parties to dominate one another. It furthermore focuses on the ethnic divide in the country and the discrimination of some of Bosnian citizens, enshrined in the

DPA that grants special rights to the three constituent nations and introduces the decision of the ECHR that requires Bosnia to change its constitution.

Chapter 2 furthermore examines the Europeanisation of the Western Balkan region, which is mainly being carried out in the framework of EU enlargement policy, and includes Bosnia as a potential candidate.

Based on the poststructuralist perspective on NPE, which sees it as a self-construction, entailing different forms of othering, Chapter 3 will apply it to the Bosnian case, in order to analyse how NPE is constructed against its Bosnian other and to assess whether the EU's identity in BiH can really be confirmed as normative. It analyses the presence of the EU's military mission as well as coercive practices of the EU in Bosnia, which jeopardise the EU's normative identity.

Chapter 4 examines EU's mediation efforts regarding constitutional reform in order to consider the relation between the identity of the EU and its policy as well as its changes over time. This chapter also assesses the EU's normative role in BiH by its impact on desecuritisation of ethnic relations, which depends on whether the local actors perceive the EU as a normative power or not (Diez & Pace, 2011). The thesis will follow the framework proposed by Diez and Pace (2011), which includes six possible outcomes that can lead to successful conflict resolution or its reinforcement (*ibid*), i.e. desecuritisation or securitisation of ethnic relations in Bosnia.

The thesis ends with Chapter 5 that summarises the final conclusions, claiming that although the military mission, present in the country, does not jeopardize the NPE identity, its coercive and othering practices do. Furthermore, the new EU approach that prioritises security over human rights contributes to the securitisation of Bosnia, while the way how local actors perceive NPE aggravates the ethnic conflict.

1.2.4. Limitations of the Study

The thesis will focus on the EU as an international actor rather than on the various positions of its member-states, although, as it will be seen, they have ample influence in shaping EU's positions and actions in BiH, in line of Moravcsik's intergovernmentalist argument (1993). Another limitation is that the study will focus on how (foreign) policies are shaped by identity, on how they change over time and on how EU values contribute to securitisation and desecuritisation of ethnic relations. Thus, the case study will be limited to the analysis of the

discourses of the four Selves regarding constitutional changes in BiH, rather than focusing on the content of these changes and the possible state-building solutions.

Another limitation is the focus on the analysis of the discourses of dominant actors, i.e. the official discourses of the political elites. This approach has been criticised because it excludes the less dominant voices (McDonald, 2008; Hansen, 2006). The research does include, however, the perspective of the two applicants before the ECHR, one in the form of open-ended interview made by the author on 2 November 2018 in Sarajevo and the other as released in the press. These views will, nevertheless, be instrumental to contextualise the discourses of the political class.

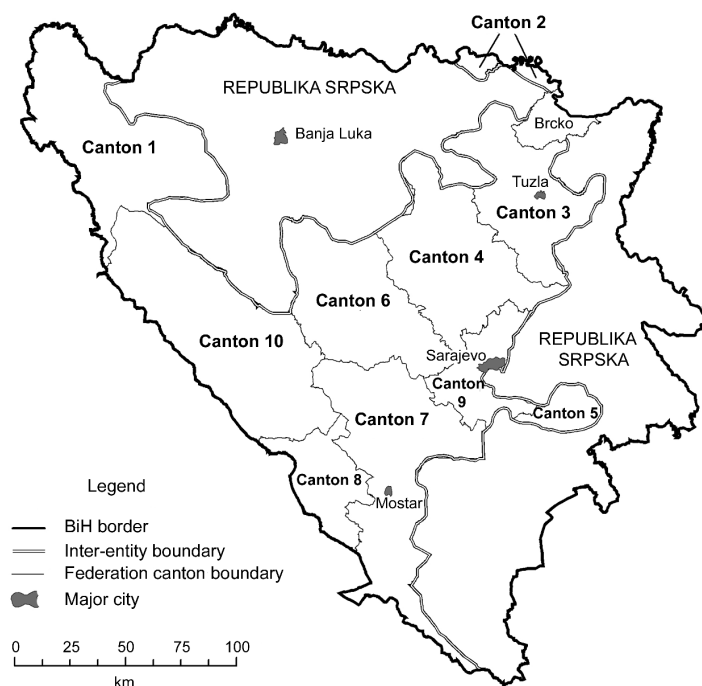
2. History of Conflict Resolution in Bosnia and Herzegovina

2.1. The Dayton Peace Agreement and the Complex Power-Sharing System

The research problem of this study stems from the Dayton Peace Agreement (1995), a compromise that ended the Bosnian war after more than three years of fighting, but made the affiliation to a certain ethnic group even more salient as it de facto upholds the ethnic division, as it was established by ethnic cleansing during the war (Ó Tuathail, 2005).

The Constitution of BiH, enshrined in Annex 4 of the DPA, divides the population as well as Bosnia's territory along ethnic lines into two separate entities with a high level of autonomy: Republika Srpska, with the majority of Orthodox Bosnian Serb population, and the Federation of BiH, further subdivided into 10 cantons, shared by the Muslim Bosniak and the Catholic Croat population, as depicted in Figure 2 (ibid). Following international arbitration, the self-governing district of Brčko was placed under direct authority of the central government (Marko, 2005).

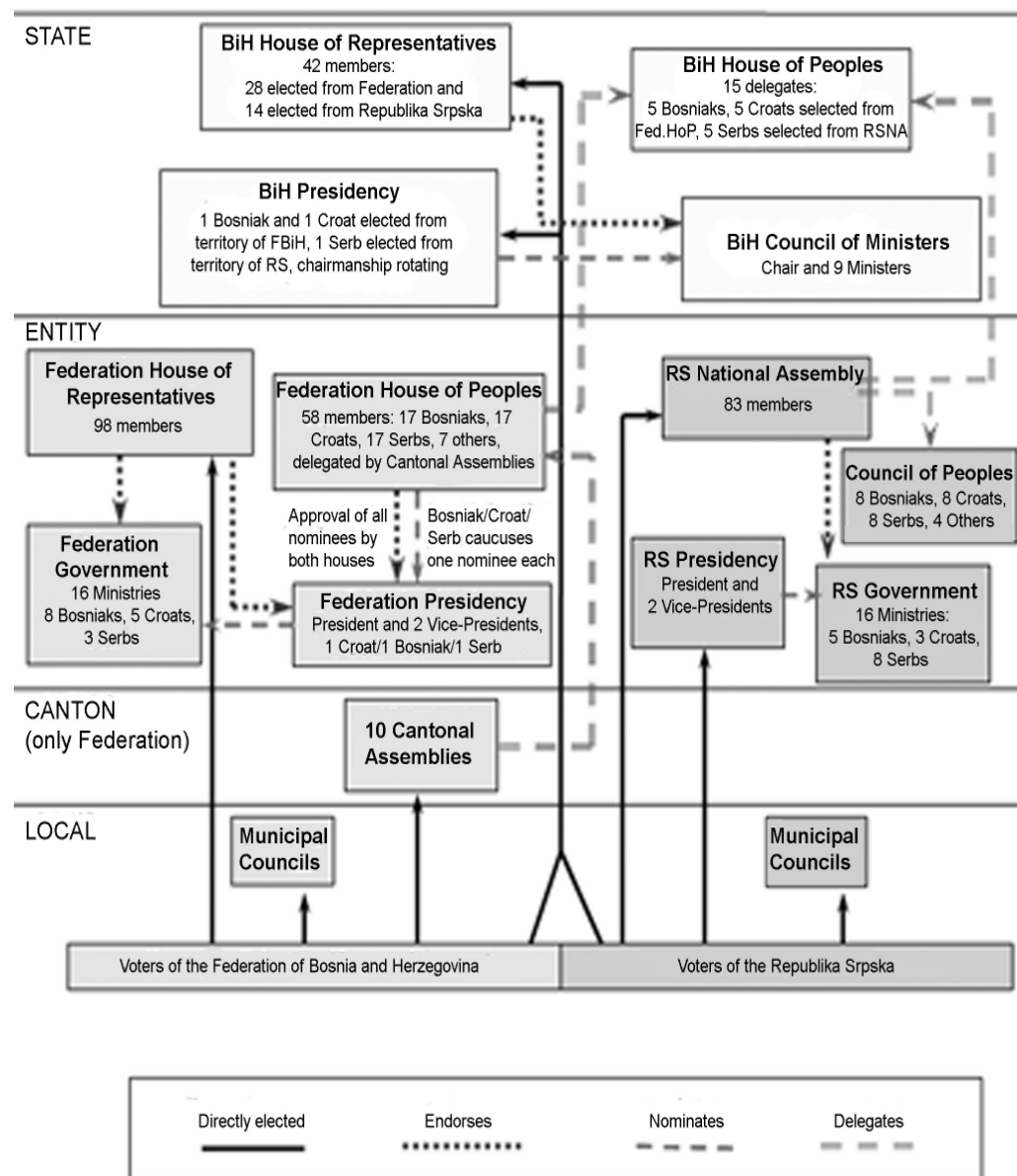
Figure 2: Bosnia and Herzegovina's Entity Boundaries and Canton Divisions



Source: Ó Tuathail, 2005, p. 53

The agreement establishes a complicated system, illustrated in Figure 3, which impedes the adoption of reforms. Besides state-level institutions, each autonomous entity has its own Parliament and “both entities have a Prime Minister and 16 ministries” (Nardelli et al. 2014). As illustrated by Ó Tuathail, the Dayton Agreement left BiH with “13 different constitutions, prime ministers, assemblies, and law making institutions; 760 legislators; 180 ministers; 1,200 prosecutors and judges/.../—all to rule four million people” (2005, pp. 53-54).

Figure 3: Legislative and Executive Bodies in Bosnia and Herzegovina



Source: Ó Tuathail, 2006, p. 62.

The DPA also establishes the presence of the international community in the form of the Office of High Representative (OHR), which monitors the implementation of the DPA

(Annex 10, DPA). In 1997, the OHR was granted powers to override decisions of the local actors, which were used to promote state-building reforms with the view to embed Bosnia in the Euro-Atlantic structures (Ó Tuathail, 2005). Nevertheless, the complicated governance structure, decentralisation of powers and the lack of coordination between the various levels of government is making the implementation of reforms, needed to start negotiations with the EU, extremely difficult (EC, 2016).

The power-sharing mechanism established in Dayton is considered one of the possibilities of conflict resolution (Lara, 2015, pp. 23-24) and as such should have a desecuritisising effect (Bonacker et al. 2011). However, Keil stresses the importance of the voluntary will of actors when agreeing to a federal arrangement and thus labels Bosnia an “imposed federalism”, because both the Croats as well as the Serbs were coerced into signing the deal, because neither wished to share a state “with their former enemies” (Keil, 2013, p. 130).

To prevent the former warring parties from feeling threatened and dominated, a highly decentralised system was established in the agreement, designed not “to produce a strong government but to prevent the majority from taking decisions adversely affecting other groups” (ECHR, 2009, p. 16). This system protects the interests of “constituent nations”, i.e. the Bosniak, the Croat and the Serb, rather than individual rights on all levels of governance. It also grants them special rights to ensure the preservation of their ethnic rights in the form of the “vital interest veto” (DPA 1995). There are safeguards also in the two-chamber system and the three-partite Presidency that was established to prevent that a decision can be taken by only one of the sides (ECHR, 2009).

The vital interest veto is granted to the Parliamentary Assembly (DPA, 1995, Annex 4, Article IV, para. 3e) as well as to the Presidency (DPA, 1995, Annex 4, Article V, para. 2d). The mechanism ensures that no decision in the Assembly can be adopted without the consent of the three ethnicities as any of them can declare that the proposed decision “is destructive of a vital interest of the Bosniak, Croat, or Serb people” (DPA, 1995, Annex 4, Article IV, para. 3e), while any of the three-member of the Presidency “may declare a Presidency Decision to be destructive of a vital interest of the Entity” (DPA, 1995, Annex 4, Article V, para. 2d).

However, the state-level constitution does not provide a definition of what exactly constitutes vital interests, while on the entity level this definition is “excessively broad” (ECHR, 2009, p. 17) and includes matters of identity, education, religion, language, and culture of a constituent nation (Amendment LXXVII to the Constitution of Republika Srpska). Thus, just about any

issue can be presented as “destructive of a vital interest of the Bosniak, Croat, or Serb people” (DPA, 1995, Annex 4, Article IV, para. 3e). Thus, instead of functioning as a tool of desecuritisation of ethnic relations, it is argued in this study that the system allows for any issue to be securitised, i.e. framed as an existential threat to the Self and thus removed from the table in order to preserve the identity of a certain ethnic group.

The veto powers are furthermore inherent in the bicameral system of the Parliamentary Assembly, which consists of two chambers, the House of Representatives and House of Peoples. All legislation must be approved by both of the chambers (DPA, Annex 4, Art. IV, para. 3c) of which the “House of Peoples shall comprise 15 Delegates”, five Croats, five Bosniaks and five Serbs (DPA, 1995, Annex 4, Art. IV, para. 1), while the 42 seats of the House of Peoples are divided between members of the two entities – “two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska” (DPA, 1995, Annex 4, art. IV, para. 2). Thus, the seats of the House of Peoples can only be occupied by the three constituent nations while those of the House of Representatives can be occupied by representatives of other nationalities as well.

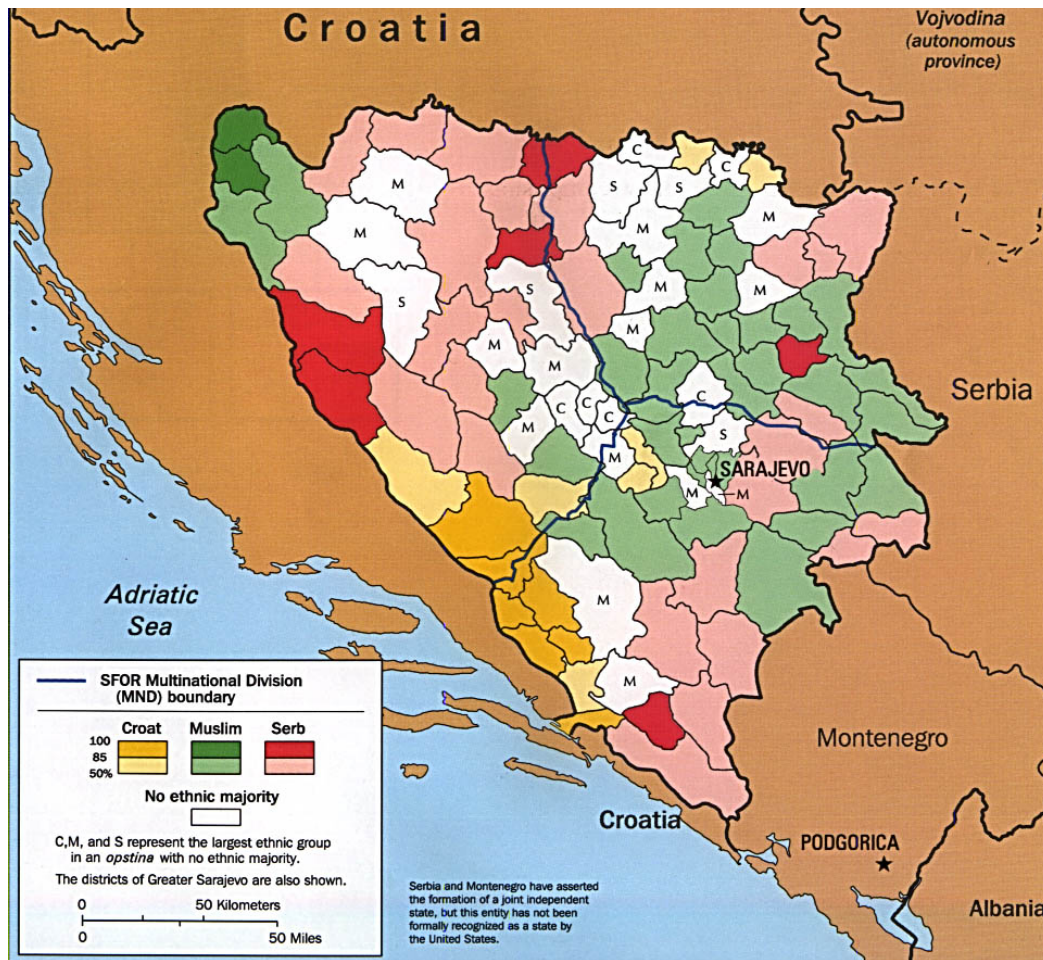
Furthermore, the state-level tripartite rotating Presidency is again comprised by the three members of constituent nations, “one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb, directly elected from the territory of the Republika Srpska” (DPA, 1995, Annex 4, Art. V). The chair of the House of Peoples and the House of Representatives as well as the Presidency rotate every 8 months (Van Willigen, 2010).

That said, it is clear that the revision of the constitution would entail an extremely complex process, as it requires a consensus of the three constituent nations, whose leaders are unwilling to cede the privileged rights that they hold.

2.1.1. The Perpetuation of the Ethnic Divide

Bosnia is a divided country in many ways. Its political and administrative boundaries are drawn on the basis of the majority presence of ethnic groups, as represented in Figure 4, and the people identify more with a certain ethnic group rather than the state (Keil, 2013). Mujkić defines this system as “ethnopolis”, a “community characterized by the political priority of the ethnic group(s) over the individual that is implemented through democratic self-legislation” (2007, p. 116).

Figure 4: Ethnic Majorities in Bosnia and Herzegovina, 1991 Census



Source: University of Texas Libraries, retrieved from https://legacy.lib.utexas.edu/maps/bosnia/ethnic_majorities_97.jpg (25 June 2018)

Ever since their first election in 1990, the Bosnian population largely gave their support to the nationalist parties. Except for a brief hiatus between 2002 and 2004, the nationalist parties – the “Bosniak Party of Democratic Action” (SDA), the “Serbian Democratic Party” (SDS), succeeded by presumably moderate but later equally nationalistic “Alliance of Independent Social Democrats” (SNSD), and the “Croatian Democratic Union of Bosnia and Herzegovina” (HDZ), the Bosnian branch of the namesake Croatian party – had been in power since the end of the war (Keil, 2013).

In the latest elections in 2016, the nationalist parties won by a landslide and the nationalist President of Republika Srpska got its biggest support in a decade by running on a platform of seceding from BiH. Knezevic (2016, para. 1) points out that this election “was not about economy” nor “about jobs” or “general impoverishment”, but “about identity”. This way, the nationalistic political elites perpetuate the ethnic divide, which started during the war and was enshrined in the DPA.

The most popular explanation for the persistence of nationalistic parties in power in Bosnia is based on Huntington's idea of Bosnia being a country on the "fault line of civilisations" (Huntington, 1993) and that the ethnic division can be explained with ancestral hatreds, which will divide the population until separation is reached.

Other authors have viewed this phenomenon through the prism of game theory, in which members of a particular ethnic group vote for their nationalist party not because they would agree with nationalistic views, but out of fear that members of the other ethnic group would vote for their nationalist representative that would, in turn, jeopardize (the interests of) their ethnic group (Stojanović, 2014).

Kostovicova and Bojicic-Dzelilovic (2006) claim that the Balkan nationalist parties are connected and supported by transnational organised crime and terrorist networks, which have no interest in strengthening the weak state that could confront these organisations. Thus, the term "stabilocracy" was coined to describe a system in which "those in power benefit from the overriding fear of instability and conflict to consolidate their grip on power and institutions, undermining democratic checks and balances" (Lasheras et al., 2016, p.12). Ethnopolitics is a "non-doctrine" as its representatives have "no goal, vision, or hope other than remaining in power" and its only "raison d'être is crisis" (Mujkić 2007, p. 119).

Marko (2005) stresses that the entrenchment of the ethnic divide is not only present in the state institutions and the nationalistic local elites but also in the heads of the people. He stresses that there is no overreaching multi-ethnic identity as Bosnia has become a country, where all aspects of social life are divided along ethnic lines, from political governance, public administration, and education to religious practices. This prevents the creation of multifaceted identities that would promote a multi-ethnic society and contribute to the development of democracy through elections, in which people would vote for political parties based on their political beliefs rather than their ethnic background. Furthermore, the perpetuation of this ethnically based system is assured with the practice of "two schools under one roof" (Brkanić, 2017), which divides children along ethnic lines, segregating them in different classes on grounds of their right to attend classes in their mother tongue (ibid).

2.1.2. The Enshrined Discrimination and the Decision of the European Court of Human Rights

This system of dominance of the three constituent nations was first challenged by representatives of the Roma and Jewish community, who complained to the European Court of Human Rights due to their inability to run for public offices, only accessible to representatives of the constituent nations, namely the Presidency and the House of Peoples. In 2009, the Court ruled that Bosnia's constitution is in breach of the European Convention of Human Rights and deemed their ineligibility to be elected for the top posts discriminatory (ECHR, 2009, p. 34).

During the hearing, the Bosnian government pleaded that "[t]he current constitutional structure in Bosnia and Herzegovina was established by a peace agreement following one of the most destructive conflicts in recent European history. Its ultimate goal was the establishment of peace and dialogue between the three main ethnic groups" (ECHR, 2009, p. 29). It furthermore "claimed that the time was still not ripe for a political system which would be a simple reflection of majority rule, given, in particular, the prominence of mono-ethnic political parties and the continued international administration of Bosnia and Herzegovina" (ibid).

The Court, although recognizing the circumstances that led to the institution of the Bosnian unique political system and agreeing that perhaps the time for the total abandonment of the power-sharing mechanism has not yet come, decided that by adhering to the Council of Europe in 2002 and by voluntarily "ratifying the Convention and the Protocols" the country must abide by them (ibid, p. 36).

Upon the decision, the Council of Europe called on BiH to change its constitution in order to implement the judgment before the 2010 election and the EU joined this call by conditioning Bosnia's candidacy status with the implementation of the judgment. Due to the reluctance of the Bosnian political class to adopt the necessary changes, other applications followed suit. Azra Zornić complained that she cannot run for office due to her reluctance to declare her affiliation to a specific ethnic group, identifying herself a citizen of BiH instead (ECHR, 2014), while Ilijaz Pilav, a Bosniak living in Republika Srpska, challenged the system due to his inability to run for office in his home, Serb, entity (ECHR, 2016a). Furthermore, an ethnic Albanian, Samir Šlaku, also won the case against the Bosnian state (ECHR, 2016b).

In the decision *Zornić v. BiH*, the Court decided that although “[t]he nature of the conflict was such that the approval of the “constituent peoples” was necessary to ensure peace /.../ now, more than eighteen years after the end of the tragic conflict, there could no longer be any reason for the contested constitutional provisions” (ECHR, 2014, p. 12). The Court thus stated that “the time had come for a political system which would provide every citizen of Bosnia and Herzegovina with the right to stand for elections to the Presidency and the House of Peoples without discrimination based on ethnic affiliation and without granting special rights for “constituent peoples” to the exclusion of minorities or citizens of Bosnia and Herzegovina” (ibid).

Nevertheless, in spite of the ECHR decisions and the EU’s subsequent call for constitutional revision, the Bosnian leaders have yet to reach a consensus on the content of the reform, claiming that Bosnia is still not ready for a political system with a decision making process, based on the majority vote, as it could enable the domination of one nation over another.

2.2. Western Balkans’ Slow Europeanisation

Bosnia’s Europeanisation is developing in the framework that consists of the larger Western Balkan region. Although the Western Balkans received EU’s attention under both its common foreign and security policy and the enlargement policy (Noutcheva, 2009), Europeanisation efforts were brought together under the umbrella of EU enlargement policy, as it quickly proved to be the EU’s most effective tool that lures candidate states to engage in far reaching economic and institutional reform (Vachudova, 2014). With Croatia joining the block in 2013, the Western Balkan enlargement process includes candidate-states Serbia, Montenegro, Macedonia² and Albania, as well as potential candidate-states Kosovo³ and Bosnia and Herzegovina (EC, 2018b).

The process of accession of the WB countries to the EU was initiated in 1999 with the launch of Stabilisation and Association Process (SAP), which established the framework for gradual rapprochement of these countries to the EU, upon which individual Stabilisation and Association Agreements (SAAs) were signed. The Thessaloniki Declaration of 2003

² Former Yugoslav Republic of Macedonia

³ As per UNSC Resolution 1244.

confirmed the EU's "unequivocal support to the European perspective of the Western Balkan countries" (EC, 2003, para. 2).

As opposed to the approach of the EU to the Central and Eastern European Countries (CEECs), carried out under the banner of "return to Europe" and focused on democratisation (Sedelmeier, 2011, p. 17), the Western Balkan enlargement strategy is centred on building security (European Council, 2003) and resilience (European Union, 2016). In addition to the Copenhagen criteria and the transposition of the EU *acquis* that the CEECs countries needed to adopt, the WB enlargement process, dealing with post-conflict state building and reconciliation, included other conditions, such as facilitating return of the displaced persons, cooperation with the International Criminal Tribunal for the Former Yugoslavia and regional cooperation (Juncos, 2012). Therefore, in order to proceed to membership, the WB countries must comply with more rules than the previous candidates and pass through more checkpoints that have been created in order to exert more control over the process (Vachudova, 2014).

With a high level of security risk and low level of economic potential, the EU gains mainly geopolitical rather than economic benefits with WB enlargement (Vachudova, 2014). From the point of view of the EU, enlargement to the WB is being pursued with the goal of "fostering stable democratic regimes in the EU's backyard" (Vachudova, p. 2014, p. 126). Thus, EU Commission President Jean-Claude Juncker declared that "investing in the stability and prosperity of the Western Balkans means investing in the security and future of our Union" (EC, 2018a, para. 3). Due to the regions past and its instability, it is a fact that "the EU will pay the price in myriad ways for ethnic conflict, economic collapse, lawlessness, instability and poor governance in the region if it does not pursue enlargement" (Vachudova, 2014, p. 126).

Nevertheless, the rapprochement of the WB towards the EU is slow. Noutcheva claims that the lack of credibility of the accession prospects in the WB results in "fake, partial and imposed compliance" (Noutcheva, 2009, p. 1065), especially because in "these countries the domestic costs of complying with EU conditionality are also often very high, as they touch on sensitive questions of statehood and national identity" (Sedelmeier, 2011, p. 31). National identity has been shown to be very important for Europeanisation because it hinders its effectiveness in states where national identities diverge from the European model (Subotić, 2010; Subotić, 2011; Freyburg & Richter, 2010).

The economic crisis and the enlargement fatigue brought about an uncertainty of the EU prospect, which created an open space for the countries to turn to other allies and caused “a rising tide of illiberalism as local elites have wavered in their commitment to democratic reform, encouraged by the Putin and Erdoğan models” (Lasheras et al., 2016, p. 1). This explains why, the EU provided a stronger EU engagement in the WB in its newest enlargement strategy, published in February 2018, which states that a “firm, merit-based prospect of EU membership for the Western Balkans is in the Union's very own political, security and economic interest” and represents “a geostrategic investment in a stable, strong and united Europe based on common values” (EC, 2018b, p. 1).

The Commission reaffirmed that “[a] credible accession perspective is the key driver of transformation in the region and thus enhances our collective integration, security, prosperity and social well-being” (ibid, p. 1) and called on the countries to “urgently redouble their efforts, address vital reforms and complete their political, economic and social transformation” (ibid., p. 2). To this end, the EU has drawn up new initiatives with concrete action steps in order to boost its cooperation with the WB countries as well as their processes of transformation and raised its financial support for the Pre-Accession Assistance (IPA) (ibid, p. 2).

Learning from its past mistakes, the new strategy also pledges that no country will enter the EU without first solving its open issues with its neighbours (EC, 2018b). The Commission stressed the need for reconciliation, the encouragement of good neighbourly relations, and in particular, the resolution of border disputes, in view of the ongoing feud between Slovenia and Croatia over the Piran Bay (Maurice, 2018), a bilateral disagreement that brought one member-state to sue another in the EU Court of Justice (STA, 2018).

2.2.1. Bosnia and Herzegovina's Stalled Europeanisation

The Bosnian rapprochement to the EU, initiated in 1999 with the Stabilisation and Association Process (SAP), was confirmed at the Thessaloniki summit in 2003 (EC, 2003).

Ever since, Bosnia had great difficulties finding consensus to adopt the necessary reforms due to its power-sharing system. In 2013, the EC cut the IPA funds to Bosnia and stated in its progress report that the country had reached a standstill in the enlargement process as it failed to deliver on two key commitments, namely “the implementation of the European Court of Human Rights judgement on the “Sejdić-Finci case and the establishment of an efficient and

effective coordination mechanism in order to enable the country to speak with one voice and to interact properly with the EU” (EC, 2014a, p. 9).

Compliance with the Copenhagen criteria and the normative standards of the EU would require the country to undergo a thorough political reform and amend its constitution. This would also provide for greater centralisation, which became “a prerequisite for integration with the EU” (Noutcheva, 2009, p. 1070) and was justified with lack of efficiency of the system (ibid) that hampered the country’s progress towards the EU.

In its 2013 Enlargement Strategy, the Commission stated “that it is becoming increasingly difficult to justify the provision of pre-accession funds to a country whose political representatives are not willing to reach the consensus necessary to move forward on the pre-accession path” (EC, 2013b, p. 35). Nonetheless, taking into account Bosnia’s difficulties to comply with the Copenhagen conditions, the EU applied a new approach of “re-sequencing of the conditionalities” (EC, 2016, p. 4), due to which the Stabilisation and Association Agreement (SAA) between Bosnia and Herzegovina and the EU could enter into force in 2015.

As a potential candidate, BiH submitted its application to join the EU in February 2016 (EC, 2016). At the end of February 2018, the Chairman of the Bosnian Presidency solemnly handed over the well overdue questionnaire, on the basis of which the EU will prepare its opinion on Bosnia’s candidacy status. It took more than a year to complete it instead of six months (European Western Balkans, 2018), because it failed to reach consensus on the most basic questions, such as, for example, the number of its citizens (Finci, 2017). The Commission, which is expected to grant Bosnia candidacy status by 2019 (Arnautović, 2018), wrote in its latest report that “with sustained effort and engagement, Bosnia and Herzegovina could become a candidate for accession” (EC, 2018a, p. 7). However, the follow-up questions that the EC returned to Bosnia in June 2018 (N1, 20 June 2018) may prove to be another long and arduous task for Bosnian politicians that are in no hurry to speed up Bosnia’s process towards the EU that has been stagnating throughout the slow accession process of the Western Balkans.

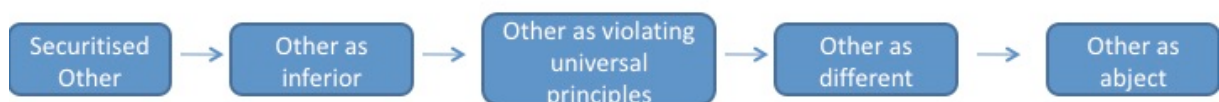
3. Normative Power Europe Identity Construction in Bosnia and Herzegovina

Following the poststructuralist approach to identity, as defined above, this study builds on Manners' initial definition of the EU as normative power, which contributed to the construction of EU's self-representation as NPE (Diez & Manners, 2007, p. 174), a "force for good" (Diez & Pace, 2011, p. 211), which in this thesis emerges as a mediator of the conflict between the three constituent nations around Bosnia's constitutional reform.

In this view, "identities are seen always to require an other against which they are constructed; an other which they thus construct at the same time" (Diez & Manners, 2007, p. 184). Thus, by projecting its NPE identity, the EU constructs its own identity, which it creates based on its "difference between the EU and the rest of the world" (Whitman, 2013, p. 179).

It is pertinent to discuss at this point the "strategies of constructing self and other in international politics" which can be traced "in articulations of normative power Europe" (Manners & Diez, 2007 p. 184). According to Manners and Diez, these various grades of othering comprise of five different strategies, represented in Figure 5. The most securitised version, which presents the Other as an existential threat, was described in Chapter 1, while practices of Orientalism depict the Other as *inferior* and *exotic* (Said, 2003; Manners & Diez, 2007). The third option follows the same argumentation, but in this case, the Other is presented as "*violating universal principles*". Here, the Self projects itself as not merely superior, but as following "universal principles" that the Other should also abide by (ibid, p. 185). The fourth strategy frames the Other merely as *different*, while the least securitised othering practice presents the Other as *abject*, as existing within the Self (ibid, p. 185). According to Manners and Diez, "it is the latter two forms of othering that a normative-power Europe, as a more 'humble' power attempting to construct non-hierarchical relationships, would have to strive for" (ibid, p. 185).

Figure 5: Forms of Othering



Elaborated by the author, based on Manners & Diez, 2007, pp. 184-185

3. 1. Normative Power Europe and the Bosnian Other

According to Hansen, identities are constructed on three dimensions by linking the Self and differentiating it from the temporal, spatial and an ethical Other. The three dimensions reveal how the Self is constituted in relation to the Other, as well as to identify different levels of othering (Hansen, 2006, p. 33).

3.1.1. Normative Power Europe and its Temporal Other

The past is crucial in the EU's construction of the Self as Wæver points out that EU's identity is framed against its temporal Self, against its own war-ridden past (Wæver, 1996). Thus when it comes to the EU's identity construction through differentiation with its Other, Bosnia's recent war and instability are linked with Europe's historical Self in opposition to the EU's current identity of the project of peace, cooperation and prosperity, which goes in line with the concept of enlargement as a tool for spreading peace and stability, as described above.

Although Diez sees this linking of EU's past to the war-ridden Other as an act of the reflexivity of the EU, a "recognition of the other within" (Manners & Diez, 2007, p. 185), it is argued in this thesis that the differentiation between the EU Self and its violent past, linking the later to the Bosnian Other, can in fact be considered a securitising act that frames the Other as threatening to the Self. Another war in Bosnia or elsewhere in the Balkans would surely have repercussions for the EU. This can be identified in the words of the Neighbourhood Policy and Enlargement Commissioner, Johannes Hahn, who – referring to the entire region of the WB – called for a credible EU enlargement prospect because "either we export stability to the region or we import instability" (EC, 2018c).

The President of the European Commission also recently advocated opening up to the WB countries although he himself called for a pause in EU enlargement to the region in 2014 (EU Business, 2014). In his speech at the EU Parliament in April 2018, Juncker talked of recent armed conflicts in the WB and the possibility of their return:

"If we do not open up to countries in that highly complicated and tragic region, and if we do not open up a European perspective to them, we will see war returning to that area as we saw in the 1990s" (Macdonald, 2018, para. 3&4).

Furthermore, Juncker linked the existence of the EU with peace in the Western Balkans. In his discussions with Vice President of the USA, Mike Pence, regarding Brexit and further possible disintegration of the EU, Juncker said “if the European Union collapses, you will have a new war in the Western Balkans”, adding that “if we leave them alone - Bosnia-Herzegovina, Republika Srpska, Macedonia, Albania, all those countries - we will have war again” (Gotev, 2017). This urgency can be understood as a “speech act”, a securitising move, aimed to persuade the more reluctant countries of the EU that enlargement is indeed necessary, also due to incessant reports of destabilisation of the region and an increasing presence of Russia, Turkey and Saudi Arabia there (see, for example, Ballin et al., 2017).

3.1.2. Normative Power Europe and its Spatial Other

In addition, identities are not only temporally but also spatially constructed. In this dimension, “identity is relationally constituted and always involves the construction of boundaries and thereby the delineation of space” (Hansen, 2006, p. 42). The spatial Self of the EU, constructed in opposition to the Balkan Other, is most notably apparent in the security discourse, which presents the Balkans as a threat to EU’s security. Here, the EU is defined as a territorial community with clearly demarked borders, threatened by the externally situated Other (Ferreira, 2009).

In this view, Bosnia as well as the rest of the Western Balkans are repeatedly described as corrupt nests of organised crime and terrorism that need to be addressed not only by the countries themselves, but also together with its EU partners, which often “justifies the intrusiveness of EU policies and operations on the ground” (Juncos, 2011a, p. 94). In its latest progress report, the EC wrote that “corruption is widespread and remains an issue of concern” (EC, 2018d, p. 3), while it called for stepping up efforts to fight organised crime, terrorism, human trafficking and irregular migration (ibid).

All this contributes to the securitisation of the WB by strengthening the division between the “secure European Self” and the “dangerous and threatening Other”, which has culminated into the creation of the latest security mechanism, the European travel information and authorisation system (ETIAS), which the EC proposes to be introduced by 2020. The system will demand not only third country nationals, but also the citizens of EU candidate-states, to register before travelling to the EU and will enable the EU to conduct a security check of individuals before they cross the European border (Velebit, 2017).

Although Bosnia has been included in the visa free regime in 2010, joining the rest of the WB countries that have been able to travel to the EU without a visa since 2009 (Council of the EU, November 2010), the new mechanism is considered a step back. It reinforces the demarcation between the inside and outside and the return of the idea of “Fortress Europe”, which consists of the notion that internal security and free movement can only be guaranteed by strict control of the external border. Here, securitisation can be revealed not only through political discourse analysis of the Copenhagen School, but also through “day-to-day practices” that create “computerizations, risk profiling, visa policy, the remote control of borders” and other practices, carried out by the “managers of the unease” (Bigo, 2002, p. 73). In this line, Bulgarian Minister of Interior, Valentin Radev, presiding the Home and Justice Affairs Council, stressed - when the Council agreed to adopt the ETIAS mechanism - that the “agreement is another important step in protecting the EU's external borders. By knowing who is coming to the EU before they even arrive at the border, we will be better able to stop those who may pose a threat to our citizens” (Council of the EU, 2018).

3.1.3. Normative Power Europe and its Ethical Other

The third, ethical, dimension of identity construction represents Bosnia as a less securitised Other, but it reveals a form of othering that, according Diez and Manners (2007), the EU as NPE should refrain from. By adopting the identity of NPE and a discourse of “development”, “democracy” and “human rights”, the EU defines the Other “as temporally progressing toward the (Western) Self” (Hansen, 2006, p. 43). As such, this “universal discourse” unites both the opposition to the temporal as well as spatial Other as it differentiates between those that have already adopted universal principles and those that have not (ibid).

The notion that the EU is an example to which all states should aspire is inherent to the construction of NPE as “[t]he standards of the self are not simply seen as superior but of universal validity, with the consequence that the other should be convinced or otherwise brought to accept the principles of the self” (Diez, 2005, p. 628). According to Juncos this is also the basis of EU’s enlargement policy, whereas the EU has the role of civilising candidate states by conditioning enlargement with the adoption of EU values and the entire EU legislation (2011a).

Hansen denominates this construction of the Other as following the “civilizational Enlightenment discourse” which presents the Balkans “as different from the West but with the

capacity for liberal political and economic transformation, a transformation for which the West had a moral responsibility as well as a financial and geopolitical interest” (2006, p. 42).

3.2. Normative Power Europe and EU Military Operation EUFOR ALTHEA

One of the specific objectives of this study is to assess whether the EU led military operation Althea that has been present in Bosnia since 2004 (EEAS, 2018) undermines the concept of NPE in line with the argument that what defines a civilian or normative power is its lack of military power (Smith, 2000).

On the contrary, Manners defends that it is precisely the EU’s capability to deploy military power to underpin its normative power that makes his argument valid. Although Diez defends that Manner’s concept of NPE stems “from a reductionist reading of civilian power”, claiming that a civilian power is inherently a type of normative power (Diez, 2005, p. 617), he later comes to agree that the increasing militarisation of the EU shows that the “normative-power approach encourages us to differentiate between the civilian nature of the EU prior to circa 1999 and the normative justification for use of military power when appropriate, for example, in humanitarian intervention” (Manners & Diez, 2007, p. 178).

For Manners, the question of “militarisation of the Union has reached its apex with the EU takeover of NATO’s SFOR mission in Bosnia” in 2004 (Manners, 2004, p. 1), but the Bosnian case shows that militarisation does not necessarily undermine NPE. It is argued that when the conflict cannot be stopped by civilian means, the use of military force is appropriate (Manners, 2002). Sjursen stresses that the use of force must be exercised in the framework of international law as normative power needs to “act in accordance with legal principles” (2006, p. 245). In this line, Manners had pointed out that in Bosnia, the military operation is justifiable on grounds of UN defined mandate in the framework of the UNSC Resolution 1551 (Manners, 2004, p. 15), while Juncos underlines the broad support of the Bosnian population for the military operation (Juncos, 2011a).

According to Manners, the genocides of Bosnia, as well as the one in Rwanda, made it clear not only to the EU and its member states, but also to the broader public that the prevention of conflict “must become a priority for the EU’s normative power” (Manners, 2004, p. 10). Nevertheless, Manners warns against the “prioritization of military objectives over local

capacity- building” in BiH (2006, p. 191), which can have implications for NPE identity that will be discussed below.

Karen Smith, on the other hand, insists that the EU is a military actor and argues that the increasing militarisation of the EU is unnecessary and “potentially harmful” (2000, p. 27). On the contrary, Manners defends that as long as the EU does not prioritise its military power over its normative power, its NPE stance cannot be questioned (Manners, 2006, p. 191). Nevertheless, Manners warns against the replacement of “long-term civilian solutions” with “short-term military interventions” (Manners, 2004, p. 15), stressing that “militarising the EU will increasingly lead to the implosion of the EU’s normative status in world politics” (ibid, p. 18).

On a similar note, Diez argues that “it is entirely conceivable that military force is used to back up the spread of civilian values”. Nevertheless, he adverts that “the more normative power builds on military force, the less it becomes distinguishable from traditional forms of power, because it no longer relies on the power of norms itself” (Diez, 2005, pp. 620-621). Diez underlines that a successful change of others largely depends on socialisation rather than on “imposition of norms through military force” (ibid, p. 621).

It is thus argued that the EU’s military operation does not undermine its normative identity, however, Sijursen stresses that the implications of civilian means that compose the “power mechanism” of “normative power” must also be considered (2006, p. 238).

3.2.1. Normative Power Europe and its Coercive Practices

Pointing to the fact that “soft instruments /.../ are not necessarily benign” and can be similarly harmful for the civilian population as military means, Sijursen claims that these can also challenge the NPE Self (ibid, p. 239).

Due to Bosnia specific institutional structure and the animosity of the three former conflicting parties, which today comprise the constituent nations, Europeanisation of Bosnia consisted mainly of top-down conditionality and coercion rather than of socialization, which would require the local actors to adopt EU rules through appropriation, i.e. because they found them appropriate.

As mentioned above, the majority of reforms, which established state-level symbols and joint institutions, were carried out due to the insistence of the EU or were imposed by the OHR (Juncos, 2011b, p. 378).

The defence reform, for example, was adopted in 2005 after years of pressure and with use of OHR's powers due to severe opposition of the Bosnian Serbs. This is a clear example of EU's top-down conditionality as opposed to the adoption of norms through persuasion and socialization. Thus, although the EU did manage to pressure the Bosnian elites into uniting the army, it failed to the process as the army is still internally ethnically divided and uses entity based uniforms and insignia (Ó Tuathail, 2005). Furthermore, RS President recently regretted the reform, saying that the entity should demand its army back (N1, 15 March 2018).

Similar was the faith of EU sponsored police reform, opposed by Republika Srpska, which was adopted only after years of negotiations, which included conditioning the signing of the SAA to get the local politicians on board (Juncos, 2011b). Nevertheless, the reform was adopted in its watered down version and failed to achieve its objective of establishing a unified police or improving its effectiveness. In her analysis of the adoption of the police reform, Juncos showed that because the process, led and coerced by the High Representative, did not include socialisation, it failed to bring about the internalization of norms (ibid).

Thus, it can be asserted that in Bosnia, the EU relied more on the power of coercion rather than the power of norms (Juncos, 2011b). Manner's himself criticises the coercive practices of the EU in Bosnia, claiming that the "EU and its Special Representative /.../ increasingly deprive local administrations of their political functions" (Manners, 2006, p. 190). He points to the fact that the Europeanisation of Bosnia has been carried out without the support of the Bosnian political class and the popular opinion, and therefore lacks "local capacity-building", which resulted in the state's "dependency, helplessness and disillusionment" (ibid, p. 191). In this line, Gradari considers Bosnia a protectorate of the EU (2005), while Robin-Hunter (2005) believes that this imposition of reforms creates opposition of the public, which expresses its dissatisfaction by supporting nationalistic governments, as described above, perpetuating the Bosnian vicious circle.

Therefore, it can be concluded that although the EU's military operation in Bosnia does not undermine EU's normative identity, practices of othering and coercion do. For if the EU

wanted to project itself as a normative power, it should aim “to construct non-hierarchical relationships”, opting for the two less divisive forms of othering and thus frame the Other merely as *different* (Manners and Diez, 2007, p. 185) rather than *threatening* or *inferior*. The EU’s discourses and practices demonstrate that the Bosnian Other is framed as *instable*, *violent* and *threatening*, which culminated in the EU’s newest security mechanism, ETIAS, that strengthens the impenetrability of Fortress Europe.

4. The Impact of Normative Power Europe on the Constitutional Reform in Bosnia and Herzegovina

The EU has been actively involved in Bosnia's efforts to remedy the discrimination, caused by its constitution. It did so by applying its conditionality as well as by acting as a mediator in the process of the adoption of the constitutional reform (Tolksdorf, 2015). The constitutional reform would imply changes to the DPA that brought peace but no "broader societal changes in terms of the definition of identities and interests" (Diez & Pace, 2011, p. 212). Therefore, the conflict between the three constituent nations has never been completely transformed and any attempt to change the peace agreement strikes at the heart of the fragile relations between them.

4.1. Normative Power Europe as Mediator in the Constitutional Reform Process

As stated above, the Bosnian constitution not only upholds the discrimination of some of the Bosnian citizens, but also establishes a system that hampers Bosnia's progress towards the EU. In the words of the Commission,

[t]he Dayton/Paris Peace Agreement (DPA) put an end to the 1992-1995 war and brought peace and stability to Bosnia and Herzegovina. However, Bosnia and Herzegovina's Constitution, which is contained in Annex IV to the DPA, established a complex institutional architecture, which remains inefficient and is misused. No steps have been taken to address the problem of legislation relevant for EU integration being blocked. The repeated misuse of rules on quorums complicate the decision-making process, delay reforms and reduce the country's capacity to make progress towards the EU. (EC, 2010, p. 8)

Although the OHR has ample powers in Bosnia, which have been used to remove uncooperative politicians and impose reforms, it does not have competences to change the constitution, enshrined in an international peace agreement (ECHR, 2009, p. 10). The reform is thus entirely in the hands of local politicians (Tolksdorf, 2015). Nevertheless, due to the lack of political will on local actors for the reform, the international community, led by the USA, the Council of Europe and the EU, has been the main driving force behind it, although, with no success.

4.1.1. Dayton II Negotiations: International Community's Failed Attempt of Constitutional Reform

First discussions over a possible “Dayton II”, which would reform Bosnia’s constitution, took place ahead of the 10th anniversary of the DPA in 2004. The most successful process thus far was the so-called “April package”, headed by the USA in 2006. It enjoyed sufficient political support and included broad changes to the institutional and political system, but it failed to be approved in the House of Representatives by only two votes (Keil 2013, p. 143).

Two attempts of the international community to promote constitutional reform followed, the Prud Process and the Butmir Process in 2009, but both failed to deliver results (Perry, 2015). Mediated by the USA and the EU, the Butmir process included a proposal of some of the watered-down provisions of the April Package.

Presented as Dayton II negotiations, the Butmir Process, just as the negotiations in Dayton in 1995, was organised in a NATO military base. This created the sense of urgency to pressure the local politicians into an agreement, which instead of alleviating the tensions between them, contributed to the sense of crisis. Coupled with the lack of incentives for adoption of reforms, with the EU failing to present a carrot that would counter the loss of autonomy of the Bosnian Serbs, the process concluded without success (Bieber, 2010; Troncota, 2013).

4.1.2. The Decision of the European Court of Human Rights: Normative Power Europe's New Attempt of Constitutional Reform

Another push for reform came a few months later when the ECHR adopted its decision on the Sejdić-Finci case, giving the EU the tools to legitimise its insistence on constitutional reform, based on its normative stance and the need for candidate states to adopt EU values.

Following the decision, the Commission called on BiH in its 2010 report to provide “measures to achieve a more functional and sustainable institutional structures and better respect for human rights and fundamental freedoms, including by adopting changes to the Constitution” (EC, 2010, p. 9). In 2010, the Council of the EU also stated that

Bosnia and Herzegovina needs to align its constitutional framework with the European Convention on Human Rights. The Council stresses the importance of improving and strengthening the efficient functioning of the state and the institutions, including through necessary constitutional changes. In particular, the country will need to be in a position to adopt, implement and enforce the laws and rules of the EU (Council of the EU, December 2010).

New negotiations were organised in the framework of the Spanish presidency to the EU in 2010, but were unsuccessful due to the resistance of the local actors. In 2011, the Bosnian leaders agreed to establish a parliamentary committee in the state level parliament, tasked to come up with an agreement, but this approach also proved to be unsuccessful (Tolksdorf, 2015; EC, 2012).

Thus, in its 2011 Progress Report, the European Commission raised the stakes and tied the implementation of the ECHR decision to the entry into force of the SAA (EC, 2011, p. 4). Because no progress has been made, the EU effectively froze SAA for years, while it emphasised the importance of the reforms in each consecutive report (EC, 2012; EC, 2013a).

In 2013, the Commission wrote that the implementation of the ECHR award

would unlock the EU accession process, which is vital for Bosnia and Herzegovina's evolution from a post-conflict country to becoming an EU Member State in the future. Without political courage and determination, the European perspective of Bosnia and Herzegovina will not materialise. (EC, 2013b, p. 35)

The same year, the EU led several high level meetings in an attempt to facilitate an agreement, but no solution was reached and the Commission “had to end its facilitation efforts” in February 2014 (EC, 2014b, p. 7). This process was led by the then Enlargement Commissioner, Stefan Füle, who described the actions of the political leaders as “deeply disappointing” (Vogel, 2015b).

4.1.3. The Securitisation of the Constitutional Reform: Inconsistent Normative Power Europe

Due to the reluctance of the Bosnian political elites to adopt a reform, presenting the issue as detrimental to the existence of their ethnicities, the EU adopted a new approach in the aftermath of widespread protests over the economic and political situation in the country, the EU adopted a new approach that removed the implementation of the award from its priorities in 2014 (Majstorovic et al. 2015). Thus, the SAA entered into force in 2015 and Bosnia's applied for candidacy status without complying with its prior conditions (Perry, 2015, p. 11).

By adopting the new strategy (Council of the EU, 2014), proposed by the British and German Foreign Ministers (Steimer & Hammond, 2014), the EU gave up on its conditionality, rewarding the local politicians “in exchange for nothing” (Vogel, 2015, para. 4). The EU

framed its new approach as “re-sequencing of the conditionalities” that would enable “the country to progress towards the EU and address the outstanding socio-economic challenges it faces” (EC, 2015, p. 4). To this end, a Reform Agenda was adopted in 2015, “aimed at tackling the difficult socio-economic situation and advancing the rule of law and public administration reforms” (EC, 2016, p. 4), which does not mention the need to implement the ECHR award at all (Reform Agenda, 2015).

Without giving the issue the priority and urgency it previously had, the Commission merely stated in its 2015 report that the “Constitution remains in breach of the European Convention on Human Rights, as stated in the Sejdić-Finci ruling of the European Court of Human Rights, and needs to be amended” (EC, 2015, p. 4). Similar were the conclusions of the subsequent reports (EC, 2016; EC, 2018b).

The modification of this discourse can also be detected in European Parliament resolutions. If in 2014, the Parliament called on “the Commission to further strengthen efforts to facilitate an agreement on the implementation of the Sejdić-Finci ruling” (European Parliament, 2014, para. 7), its 2015 resolution merely expresses regret “that no progress has been made with regard to the implementation of the Sejdić-Finci” (European Parliament, 2015, para. 24).

This change of approach reveals that the EU, fearing the possibility of potentially violent social unrests that could follow the February 2014 protests, gave up on its conditionality in order to ensure stability (Vogel, 2015b). Thus, the EU prioritised security over respect for human rights (Cirkovic, 2014).

This thesis understands that by removing the issue from the agenda, the EU accepted the discourses of the local political actors, their “Speech act” described in the following chapter, and effectively contributed to the securitisation of Bosnia. As stated earlier, a securitising move becomes successfully securitised only when it is accepted by the public, in this case, the EU.

By doing so, the EU actually came to adopt the position of ECHR Judge Bonello, who in his dissenting opinion to the judgment wrote that it is true that “human rights are the foundation of peace”, but that this is questionable in “exceptionally perverse situations in which the enforcement of human rights could be the trigger for war rather than the conveyor of peace” (ECHR, 2009, p. 54). Stating that the implementation of the ECHR decision would require “reopening the Dayton process,” the judge contended that rights of individuals cannot “nullify the peace, security and public order established for the entire population” (ibid).

Chapter 1 underlined that in order for conditionality to be effective, it must be credible and consistent (Sedelmeier, 2011), and it has been demonstrated above that EU conditionality in the case of implementation of the Sejdić-Finci was not.

The thesis sides with arguments that the status quo is preferred by the political elites as it keeps them firmly in power (Kostovicova & Bojicic-Dzelilovic, 2006; Lasheras et al., 2016). According to the Commission, its facilitation efforts have failed in finding the solution for the implementation of the ECHR award because “[t]he ruling continues to be instrumentalised for narrow party political and ethnic interests and the solution to it linked to other issues” (EC 2014a, p. 1). The following chapter demonstrates the strategies with which the local actors manage to persuade the EU to pull back on its requirements and support the status quo.

4.2. The Impact of Normative Power Europe on Local Political Elites

The framework proposed by Diez and Pace (2011) will be applied to the case study of Bosnia’s to constitutional reform process, in which the construction of NPE emerges as a mediator that has the ability to transform conflicts, depending on whether other actors perceive the NPE identity as such (ibid). It is generally asserted that advocacy of human rights has positive consequences on the transformation of conflicts, but Bonacker et al. (2011) advance that it can also bring about opposite results. The thesis confirms that, in line with Bonacker et al, the invocation of human rights in the framework of the construction of NPE in Bosnia’s constitutional reform process contributes to the securitisation of ethnic relations.

Diez and Pace’s framework includes six hypotheses, summarised in Figure 6, to assess the effectiveness of EU’s mediation efforts based on whether the construction of NPE is shared by conflict parties or not (Diez & Pace, 2011, p. 214).

In the first option, the construction “is not shared by conflict parties”, thus the authors expect no or negative results in EU mediation efforts, with the role of the EU “ridiculed or at least challenged”. In the second scenario, that also brings no or negative results, the “construction is shared” but the same does not hold for the “specific norms espoused by the EU” (ibid). The third case reveals that when the construction is shared by the parties, it is more likely that they would “follow EU advice or take the integration experience as an example” (ibid), while some positive outcomes are expected in hypothesis four, in which at least some of the parties accept the construction of NPE. The construction is shared by some parties in hypothesis five,

“but at least one conflict party uses EU norms to strengthen its own position against the adversary” (ibid), which further aggravates rather than mitigates the conflict. Case six reveals the importance of EU’s reputation as a “force for good” as it can negatively impact the outcome when EU’s reputation is damaged either by “distrust in the power of norms” or by it being too reliant on its military measures (ibid, p. 215).

Figure 6: The Effectiveness of NPE's Mediation Efforts

	1	2	3	4	5	6
NPE Construction shared by conflict parties	NO	YES, but norms espoused not shared	YES	YES, but only by some parties	YES by some parties but at least one of them uses EU norms to advance its interests	YES, but EU’s reputation is otherwise damaged
Outcome	Role of the EU ridiculed or challenged	Role of the EU ridiculed or challenged	EU’s advice or example is followed	Some positive influence	Reinforcement of conflict	Negative impact

Elaborated by the author, based on Diez & Pace, 2011, pp. 214-215

The successfulness of mediation efforts is assessed by “the degree to which actors make their claims in the form of securitizing moves, that is, the extent to which they invoke the other party or parties as an existential threat to legitimize their actions” (Diez & Pace, 2011, p. 212). Therefore, it is important to analyse political discourses and its linkage to identities and policies of the representatives of the three constituent nations regarding constitutional reform.

4.2.1. The Impact of Normative Power Europe on the Constitutional Reform in BiH

After the ECHR published its decision, all parties agreed that the constitution must be amended to align it with the European Declaration of Human Rights, but the proposals each of them presented were incompatible (Tolksdorf, 2015). Each of the three parties advocated a reform beyond the mere adoption of EU norms and included proposals to benefit their ethnicity.

4.2.1.1. The Impact of Normative Power Europe on the Bosniak Self

In line with the EU's demands for a more functional state and the need for the implementation of the Sejdić-Finci judgment, the main Bosniak political parties, the "Party of Democratic Action" (SDA), "Social Democratic Party" (SDP) and the "Party for BiH" (SBiH) have – since the constitutional reform negotiations started in 2005 – defended a broad constitutional reform (Keil, 2013). Such a reform would include centralisation of the decision making process and strengthen state competencies (Noutcheva, 2009), as well as end the discrimination by establishing civic rather than ethnic citizenship and organising elections based on the principle of "one person, one vote" (Keil, 2013, p 147). Thus, the Bosniak side saw the ECHR decision (2009) as leverage to push for broad changes to the constitution, invoking the need to ensure the respect for human rights (ibid).

These proposals go hand in hand with the notion that the constitutional reform must include changes to the DPA in order for "Bosnia to become a "normal" European country" (Keil, 2013, p. 146). This would, in the view of radical Bosniaks, consist of the abolition of Republika Srpska (RS), an entity that is for many Bosniaks considered a legitimization of ethnic cleansing that was perpetrated by the Serbs against the Bosniak population during the war. Former SBiH head, Haris Siladžić, and member of Presidency from 2006 to 2010 was a vocal opponent of the DPA and the existence of RS, which he questioned not only because of its "original sin" (Ó Tuathail, 2005, p. 61), but also because of its perpetuation of the act of ethnic cleansing, manifested in a general disrespect of the multi-ethnicity of the territorial units within BiH (Krsman, 2008).

The Bosnian Muslims are the only ethnic group in BiH that identifies with a broad Bosnian state, while the Croats and the Serbs mainly identify with their respective national group and kin states (Keil, 2013). Thus, they argue that the division of the state and the population along ethnic lines institutes an "ethnocracy" (ibid, p. 147) or an "ethnopolis", a "community characterized by the political priority of the ethnic group(s) over the individual that is implemented through democratic self-legislation" (Mujkić, 2007, p. 116) and advocate the establishment of civil citizenship.

Furthermore, RS's calls for more autonomy and secession (the Economist, 2016) as well as the Croatian claim for a third entity (Večernji list, 2018) are considered by the Bosniaks as a

threat to the territorial integrity of their common state and, as such, the Bosniak political elites vehemently oppose them.

In a recent interview, the Bosniak member of Presidency and leader of the SDA, Bakir Izatbegović, said that he would protect what the Bosniaks fought for during the war (i.e. the preservation of BiH as a common, multi-ethnic state) if RS secedes, adding that history as well as the DPA are on the Bosniak side. Furthermore, he claimed that the European countries are on the Bosniak side as well because their main interest is “for there not to be another war” (Deutsche Welle, 2017). Asked whether he was prepared for this scenario, Izatbegovic responded in the affirmative, adding, “anyone who loves this country must be ready to go all the way when its territorial integrity is jeopardised” (ibid).

In a later event, Izatbegović commented on statements of the President of the Government of FBiH that the Federation must enhance its production of arms in order to find new markets, by saying that the Federation must do so not only to sell abroad, but also to prepare for the “worst-case scenario”. Izatbegović furthermore underlined that caution is needed because RS is creating an army out of its police (Hina, 12 April 2018). These statements came after it had been made public that RS bought 2500 rifles for its police force from Serbia, a move that “has raised concerns over the intentions of the separatist-led regional government” (Borger, 2018).

4.2.1.2. The Impact of Normative Power Europe on the Bosnian Serb Self

The Bosnian Serb politicians are satisfied with the autonomy that their territorial unit, Republika Srpska, enjoys in the framework of the DPA, which makes them reluctant to cede their entity powers to the central level institutions and accept any constitutional changes that would jeopardise their status (Tolksdorf, 2015). Thus, the only constitutional reform acceptable for the Bosnian Serbs is one that would not threaten the existence of RS and its autonomy in any way (ibid).

When the constitutional reform debates started in 2005, culminating in the 2006 April package, RS Prime Minister Milorad Dodik, considered moderate at the time, was cooperative and presented initiatives that contributed to the final package, which would reshape the Dayton BiH into a federation of various republics with full autonomy. Resembling the constitution of the former SFRY, these changes would include the right to self-determination and thus envisage the possibility of one of the republics to secede if the people decided to do so (Ó Tuathail, 2013).

When the adoption of the April package fell through because it failed to receive support of SBiH, the most radical of the Bosniak parties at the time (Keil, 2013), Dodik saw it as an opportunity to demand independence. According to him, the leader of SBiH, Haris Silajdžić, only wanted what was best for the Bosniaks and not what was best for the three constituent nations. Dodik thus framed the rejection of the reform as Bosniak domination of the Serbian population and launched efforts for an independence referendum as a reaction to this outside Bosniak threat, embodied in Silajdžić's opposition to the constitutional reform (Ó Tuathail, 2013).

In this sense, Dodik promotes the construction of the identity of the Bosnian Serb Self in opposition to the *inferior* and *threatening* Muslim Other, which imposes its will on the Serbs. This legitimises, in Dodik's view, the need for independence that would finally liberate the oppressed and the humiliated Serbs from the Muslim rule (Ó Tuathail, 2013). A common feature of the Serbian Self is the "fear" of being subdued by the Muslim Other, which is why the existence of RS and its autonomy is its only assurance for the preservation of the nation (Keil, 2013).

Although the issue surpasses the scope of this thesis, it is to be mentioned that claims of radicalisation of Bosnian Muslims further enhance the perception of the Muslim as a *threatening* Other and legitimise the need for Bosnian Serbs and Croats to distance themselves from the Muslims. For example, in his 2018 UN report that Dodik regularly sends to counterweigh the OHR's report, he wrote that there is an increasing "threat of jihadi terrorism in Bosnia" although the country has been a "hub for radical Islamists since the time when the SDA invited the Mujaheddin to Bosnia during the war in the 1990's" (N1, 4 May 2018).

Furthermore, due to the efforts of the international community (IC), which includes the EU, to centralise BiH (Juncos, 2011b) and its rejection of RS's claims for independence (Ó Tuathail, 2013), the Bosnian Serb identity is also constructed in opposition to the IC, personified in the Office of the High Representative. As described above, the High Representative, who until 2011 acted also as EU Special Representative (OHR, 2011), holds broad powers that can override decisions of the local politicians, adopt laws and oust uncooperative politicians. This coercion was thus framed as a source of victimisation and humiliation of the Bosnian Serb Self. Commenting recently on the situation in Kosovo, Dodik stated that "Brussels is putting pressure only on the Serbs, which is what the international community is doing in Bosnia,

when it comes to Republika Srpska” (Lakić, 2018). Dodik blamed the international community for the impasse both in Kosovo and in BiH and said that the foreigners “degrade Serbs” (ibid).

Any changes that would jeopardise RS autonomy are thus unacceptable for Serbs. In 2009, when talks in Butmir took place, Dodik said that RS would secede if the IC imposed the constitutional reform (Ó Tuathail, 2013). He described the IC’s attempts for more centralisation as “biased towards Serbs”, while he labelled Butmir as “unnecessary”, adding that the foreigners should let the Bosnian politicians to settle things on their own (RTVSLO, 2009).

When the ECHR adopted the Sejdić-Finci decision and the Council of Europe and the EU called on BiH to implement it, Dodik met the two plaintiffs, Sejdić and Finci, to express them his support for their cause, but put the responsibility for solving this issue on the Federation (Finci, 2017). Nevertheless, in 2017, Dodik declared after a meeting with the leader of HDZ, Dragan Čović, that since the decision failed to be implemented for more than five years, it is not necessary to do so in the future (TV 1, 2017), saying that the position of the three constituent nations should remain as it is (BHRT, 2017).

The leader of RS therefore presents himself as the firm supporter of the DPA, rejecting any changes to the constitution, stating that “Dayton II would have led to the dissolution of BiH”, adding that the “foreigners had already destroyed the DPA”, referring to the changes imposed by the OHR.

Dodik furthermore directly accused the EU to defend Bosniak interest of making broad changes to the constitution, using the ECHR decision to do so: “This is about some other issues /.../ it is about the fact that any story in Europe is used to reform the entire system” (Vuković, 2013). In a later interview, Dodik said that Bosniaks think that “by hiding behind the international community they will achieve their goals of unitarisation of the country” (Večernji list, 2018). According to him, “the situation in BiH is catastrophic” due to “exaggerated international interventionism that has led the country to a dead end” (ibid).

Therefore, this thesis demonstrates that Dodik originally used the changes to advance his interest, which would secure his nation the right to self-determination. In a later stage, he pointed to coercive practices of the EU, challenging the reputation of the EU, which indicates a change towards scenario six. Most recently, the new discourse indicates a change toward

scenario one, in which Dodik challenged the role of the EU as normative power by questioning why Bosnia should adopt norms that the majority of EU countries would not:

At the end of day, this decision should not have happened. I have to say that protocols on adoption of (European) Convention on Human Rights (and basic freedoms), based on which the judgment to Bosnia and Herzegovina was made, had not been adopted by twenty out of twenty-eight countries of the European Union. It is the very same European Union where these twenty countries are member countries, the Union that pressures us to implement this decision (Vuković, 2013).

The change in Dodik's discourse indicates that not only have the demands of NPE for constitutional changes brought about scenario five, but that there was a change towards scenario six and later to scenario one due to Dodik directly challenging the identity of the EU as a normative power. This transformation can also be detected in Dodik's recent statements when he criticises the EU and questions its identity:

Europe has been inconsistent in many issues in BiH. This Europe is our misconception. The Europe that we decided for ten years ago does not exist anymore. When we chose to join the EU, Europe was different. /.../ Now, Europe is not functioning, it is a misguided place /.../ Brexit, the European debt crisis, animosities North-South and West-East, the Visegrad group on one hand and Poland and Orban on the other. Where exactly are we all going?" (Srna, 2018)

4.2.1.3. The Impact of Normative Power Europe on the Bosnian Croat Self

In order to proceed with constitutional changes that would implement the Sejdić-Finci ruling, a broader overhaul of the Bosnian legislation would also have to be made, including changes to the electoral law that would guarantee the possibility of all citizens to run for Presidency (Bieber, 2014). The need to adopt changes to the electoral law has also been stressed by the Croat representatives, who saw the implementation of the ECHR award as an opportunity to reinforce the position of the Croats in the country. This fits scenario five of Diez and Pace's framework, in which the Croat political representatives accept the normative role of the EU, but advance their interest in the framework of the pending reform.

In 2016, the Croat member of Bosnia's Presidency, Dragan Čović, addressed a letter to EU High Representative Mogherini and Enlargement Commissioner Hahn, directly linking the implementation of the ECHR decision to the resolution of the so-called Croat question of legitimate representation:

I am deeply convinced that the *status quo* regarding this issue [the ECHR decision] is unacceptable for all nations and citizens of Bosnia and Herzegovina, and in particular for the Croats as there is an open possibility that their legitimate representation is manipulated, which compromises their institutional presence and activity and disables them to influence the decision-making processes (Čović, 2016).

According to the Bosnian Croats, it is unacceptable that the Bosniaks, with whom they share the Federation of BiH, could vote for the Croat representative. For this reason, HDZ member Božo Ljubić appealed to the Constitutional Court of BiH in 2014, challenging the existing electoral regulation. The Constitutional Court decided, in 2016, that the constitution of the Federation, “was inconsistent with the principle of equality enshrined in the state-level constitution” (Rose, 2016).

The Bosnian Constitutional Court thus agreed with the Bosnian Croats that the existing legislation enables numerically stronger Bosniak population to vote for a Croat candidate, which, according to Ljubić, “had distorted Croats’ rights to legitimate representation” (Rose, 2016). This happened when a representative of the multi-ethnic SDP of Bosnia and Herzegovina, Croat Željko Komšić, was elected member of the Presidency with the votes of the Bosniak population (Jazvić, 2018). According to the Croat HDZ, this prevents the Croatian minority to effectively elect their own representative (ibid), while according to Finci (2017), it jeopardises the dominance of the nationalist HDZ party as it means that a less radical Croat can be elected by the Bosniak electorate.

It is pertinent to review at this point the Bosnian Croat Self, constructed in the opposition to the Bosniak Other, threatening to overrule the Croat minority in the Federation. Counting with merely 15% of the population (Agency for Statistics of BiH, 2016), the “Bosnian Croats are a minority in both entities”, which in their view makes them vulnerable to pressures of the majority (Toe, 2015). Although the alliance of the Bosnian Croats and Muslims in the Federation was created in order to outweigh and deter possible Serb aggression in the future (Keil, 2013, p. 144) and the Croats were largely wiped out of RS territory (Toe, 2015), their current efforts concern mainly their relationship with the Bosnian Muslims.

The Croats see themselves threatened by the Bosniaks because of the possibility of the Bosniaks to vote for a Croatian member of Bosnian Presidency. Furthermore, the Croat representatives largely depict the Bosniak as imposing their unitarist agenda that would threaten the preservation of their identity. Thus, according to the Croats, Bosniaks want to use the Sejdić-Finci decision in order to impose a new concept of civil citizenship that would

enable them to outvote the Croat and Serb representatives, which would, in turn, secure the rule over Croats and Serbs (Pavković, 2014). The Croat member of Presidency Dragan Čović declared that “the majority of Bosniak left and right wants to make Bosnia and Herzegovina an Islamic state” (Nezavisne novine, 2017).

Demands for the resolution of the Croat question of legitimate representation have recently crystallised in the idea of the creation of a Croat third entity. This would be done first by introducing changes to the electoral law “that would among other changes result in some sort of Croat electoral unit or similar mechanism to ensure that only ‘real’ Croats vote for the Croat representative of the Presidency” (Perry, 2015, p. 6). If in 2015, the Croat member of Presidency, Dragan Čović, advocated against the idea (Keil, 2013), nowadays he is the main driving force behind the movement for the establishment of a separate Croat entity (Sarajevo Times, 2017).

The establishment of the third entity would be problematic in many ways. First, it would de facto end the DPA and open way for the Bosnian Serbs to secede, as they would no longer be bound by an international peace agreement. Threatening with war, the Bosniak leader Izatbegović said that those who “want to break up BiH”, will not “get (their separate) third entity in BiH without conflict and war” (ibid, 2018). Second, the drawing of entity borders would be extremely complicated as the territory is far from homogenous (Keil, 2013). In this line, the Bosniak leader, Bakir Izatbegović, stated that around “60% of Croats live mixed with Bosniaks in BiH”, and wondered, “where would they manage to draw that line of a third entity” (Tanjug, 2018). Also, further divisions would legitimise wartime ethnic cleansing (ibid).

Lastly, the creation of the third entity would not solve the discrimination, enshrined in the constitution. What is more, the two issues are potentially irreconcilable. While the ECHR decisions (ECHR, 2009; ECHR, 2014; ECHR, 2016a) stipulate that the political rights of all citizens must be equal throughout the territory of BiH, the claim sees the constituent peoples as exclusive holders of political rights in a designated ethnic territorial unit (Cvjetićanin, 2016; Rose, 2016). Thus, although originally linking the two issues, the Croat leader, Dragan Čović, later on stated that Sejdić-Finci decision has nothing to do with the Croat question (Nezavisne novine, 2017) and pulled back to his commitment to implement the decision, effectively challenging not the EU, but its values, which, according to the model follows scenario 2 and challenges the role of the EU.

4.2.1.3.1. The Croat Question: Another Roadblock in the process of Constitutional Reform

Although the Constitutional Court ordered the Bosnian Parliament to harmonise its electoral legislation with the country's constitution in less than six months (Constitutional Court of BiH, 2016, p. 2) in order to respond to its decision, no consensus on reform has been reached since. This made the Constitutional Court to remove the “problematic parts of the law itself” (Latal, 2017, para. 5), by which it effectively prevented the establishment of both the Federation and state-level governments after the elections, which will be held in October 2018 (ibid). In June 2018, the Bosniak parties managed to pass changes to the electoral law in the lower house of the Parliament, but the Croat representatives already announced they will veto the bill, framing it as detrimental to the vital interest of their ethnic group (Demirović, 2018).

In a joint statement, High Representative Mogherini and Commissioner Hahn called on the leaders of BiH to “reach a compromise without further delay in the best interest of their country”, adding that “if the results of the general election cannot be implemented, the formation of a new government could be at risk” (Mogherini & Hahn, 2018).

Due to lack of consensus, Izatbegović called on the OHR to impose a solution because at the moment, the relations between the parties are such that no party would approve a decision that was proposed by another party (TV 1, 13 March 2018), but both High Representative as well as the Head of the EU Delegation in BiH rejected this (TV 1, 18 January 2018; Zilić, 2018). The EU Ambassador furthermore criticised the local politicians, saying that all their proposals to solve the current crisis were unrealistic and were the continuation of the “politics of conflict”, in which no one is prepared to compromise, because they are used to others taking decisions for them (ibid). Croat Member of Parliament, Mario Karamatić, also rejected any imposition of reforms, saying it would bring Bosnia into an “unprecedented crisis” (N1, 17 April 2018).

According to Ifimes (2018), this is exactly what the Croat HDZ under the leadership of its President Dragan Čović, with the support of the President of RS, Milorad Dodik, wants to achieve. Dodik supported the idea of the third entity since its conception (Keil, 2013). According to Ifimes, the creation of the third entity would de facto terminate the Dayton Peace Agreement and lead to the disintegration of the country (Ifimes, 2018).

It is important to add that the Croat question of legitimate representation, a Bosnian internal problem - has spilled over to the EU level when the European Parliament resolution “urged all

political leaders to work on introducing the necessary changes, including the reform of electoral law, also taking into account the principles expressed in its previous resolutions, including the principles of federalism, decentralisation and legitimate representation” (European Parliament, 2017, para. 4). This wording, proposed and supported by the members of the Croatian HDZ and the ruling “European People’s Party” in the European Parliament, can be understood as grounds for further decentralisation of Bosnia (Sasso, 2017), which goes against what the EU has been defending thus far. The different positions of EU’s institutions undermine its role as mediator, and question its actorness.

The thesis demonstrates that NPE mediation efforts initially follow scenario five, in which the construction of NPE “*is shared at least by some conflict parties, but at least one conflict party uses EU norms to strengthen its own position against the adversary*”, with the consequence of reinforcing rather than transforming conflict” (Diez & Pace, 2011, p. 214). In other words:

- RS politicians are reluctant to adopt any changes that would jeopardise the autonomy of the entity and consider centralisation efforts as a motive to demand independence;
- Croats struggle to gain more rights and possibly a third entity that would put an end to the Federation of BiH;
- Bosniak representatives advocate an overreaching constitutional reform, which would surpass the mere implementation of the decision, but also lead to the adoption of a more centralised system, which the Croat and the Serbs reject.

As this was originally also the position of the EU, the Bosnian Serbs labelled EU’s mediation as biased and started to challenge the role of the EU and its normative identity by discrediting it as a normative power, questioning its actorness as well as Bosnia’s membership in a block that has lost its (normative) direction. As a result, the study confirms a change from the scenario five to the scenario six, in which EU’s reputation is damaged. Furthermore, a change to scenario two is proved, in which norms, espoused by the EU are challenged, and to one, in which “the construction of ‘Normative Power Europe’ *is not shared* by conflict parties” at all. For that reason, a negative effect is proved as the EU role as constitutional reform mediator is “ridiculed” and “challenged” (Diez & Pace, 2011, p. 214).

5. Conclusions

This study analyses the international role of the EU in BiH, its identity construction as NPE and its impact on the constitutional reform process, following the decision of the ECHR in the Case of Sejdić and Finci (2009). The thesis analyses NPE in BiH in its efforts as mediator in this process, which requires the consensus of the three “constituent peoples”.

To this end, the study examines the complex constitutional power-sharing mechanism, established with the DPA and argues that instead of providing a tool for desecuritisation of ethnic relations, the system’s veto mechanisms allow the securitisation of any issue, if presented as detrimental to the vital interests of one of the three “constituent peoples”.

The study agrees with Manners (2004), who claims that the EU military operation in BiH does not jeopardise EU’s identity as NPE, but rather strengthens the argument to the advantage of his concept as it was conceived to surpass the debate whether the EU is a civilian or a military power. Nevertheless, the thesis claims that the concept is undermined by the construction of the identity of NPE itself, as well as its coercive practices.

In fact, examining NPE in Bosnia based on a poststructuralist perspective, which analyses the EU’s identity construction in relation to its Bosnian Other, the thesis contends that the inherent characteristics of the EU’s normative identity construction include practices of othering that are incompatible with this identity. The study advances that instead of maintaining less hierarchical relations with its Others, the EU’s othering practices in Bosnia include the projection of the Other as *threatening*, for example, in the case of “spatial inside-outside delineation”, which will be strengthened with the new ETIAS mechanism, as well as *inferior*, when it presents the Bosnian Other as progressing towards the EU’s Self, an Other that must still adopt universal principles.

EU’s coercive practices in BiH have been widely criticised (see, for example, Manners, 2006) and have caused local resistance to EU rules (Noutcheva, 2009; Juncos, 2011b). This thesis highlights that these coercive practices brought about Europeanisation without socialisation, which would be required to successfully change Others. Thus, the thesis corroborates Youngs’ (2004) and Noutcheva’s (2009) claims that in BiH the EU acts as a strategic rather than as a normative player, applying coercion rather than the power of its norms to bring about change.

Analysing EU's discourse in its role as a mediator in the constitutional reform process, the thesis concludes that the invocation of human rights had a detrimental effect on the desecuritisation of Bosnia's ethnic relations. The thesis asserts that EU's conditionality, employed in the case of constitutional reform, failed, because it was neither credible nor consistent. The thesis sees the EU's approach regarding Bosnia's constitutional reform as a successful securitisation of the issue, by which a securitising move, a "speech act", is accepted by the public, in this case the EU, that removes the issue from the agenda in order to preserve peace. Hence, the thesis argues that the EU as a strategic actor chose security over human rights in Bosnia's case.

In relation to the impact of NPE on the local political elites, the study demonstrates that NPE mediation efforts initially followed scenario five of Diez and Pace's framework, in which the conflict parties accept the EU's construction of NPE identity, but use the issue of constitutional reform in order to strengthen their position, which reinforces the conflict between the three peoples. In the case study this was demonstrated when the Bosnian leader attempted to secure the right of Serbs to self-determination, the Croats saw it as an opportunity to push for the creation of the third entity, while the Bosniak advocated a broad reform that would grant more powers to the central level institutions.

Furthermore, the thesis confirms a change from scenario five to the scenario six, in which NPE is challenged by the Bosnian Serb leader due to the perceived bias of the EU as mediator that, in the eyes of the Serbs, sides with the Muslims in advocating for more centralization. The thesis also demonstrates a change toward scenario one as the Bosnian Serb challenged NPE identity due to the fact that only 10 out of 28 EU member-states have ratified Protocol 12, which is the legal basis of the Sejdić-Finci decision (CoE, 2018). Therefore, the thesis agrees with Sjursen, who contends that a normative power should be "willing to bind itself, and not only others, to common rules" (Sjursen 2006, p. 249) and demonstrates that the aspiring member-states are often "asked to meet standards that the EU-15 have never set for themselves" (Moravcsik & Vachudova, 2003, p. 46).

For that reason, the thesis underlines also that neither conditionality nor mediation efforts were successful in getting the local politicians to adopt the constitutional reform. By diverting the attention away from the Sejdić-Finci decision implementation, using it as leverage to defend other interests, EU norms as well as the EU's identity as normative power have been effectively and efficiently challenged. This confirms a clear lack of appropriation of EU rules by the local political actors.

The thesis also argues that the strategy of the Bosnian politicians consists of side-tracking EU sponsored reforms by challenging EU norms and creating moments of chaos in order to avoid Europeanisation in the name of preservation of either their ethnic identity or even their existence and interests. Due to the political crisis regarding the Croat question of legitimate representation, the necessity of the implementation of the Sejdić-Finci decision has completely disappeared from the political reform agenda, as well as from the EU demands regarding accession process. This is another example of successful securitisation. The study therefore agrees with Vachudova who points out that the Bosnian elites learned that they can “manipulate the EU to get around its requirements” (2014, p. 134).

Despite the fact that Bosnia failed to comply with EU’s demands on constitutional reform, the thesis understands that Bosnia is slowly, yet surely, progressing towards the EU because the local elites manage to persuade the EU that maintaining peace in Europe is more important than the adoption of EU rules. Therefore, by accepting the discourse of the Bosnian political elites and removing its conditions in order to provide security to the region, the EU is effectively contributing to the securitisation of Bosnia. Consequentially, the thesis concludes that NPE is not sufficient to characterise the EU’s efforts as mediator of the constitutional reform process in Bosnia, which reveals the limits of Manners’s notion of NPE.

In further studies, it would be interesting to investigate the spillover of the local dispute to the EU level, which would examine the power of member-states and their role in shaping EU’s policies, contributing to Moravcsik’s intergovernmentalist argument (2003). Furthermore, it would be in the author’s interest to analyse the impact of NPE on civil society and include other less dominant voices in the analysis, broadening the research model to include the voices of both the political opposition and the citizens of BiH.

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